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PART 702—AGRICULTURAL CONSERVATION PROGRAM; PUERTO RICO

SUBPART—1953

The United States Department of Agriculture is engaged in various activities to improve the soil and water resources of the farm lands in Puerto Rico. These include research, educational efforts, and technical and financial assistance as effective means of bringing about increased use of soil and water resources.

Conservation farming is the only effective method of using the farm land for achieving crop improvement and, at the same time, maintaining the productive capacity of the soil so as to assure the needed increased production for the future. The purpose of the 1953 Agricultural Conservation Program is to assist farmers in planning and carrying out conservation activities which will bring about increased agricultural production and development and better use of Puerto Rico's water resources.

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AUTHORITY: §§ 702.300 to 702.383 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 702.300 *Introduction.* Assistance will be given to farmers carrying out conservation practices under the 1953 Agricultural Conservation Program (referred to in this subpart as the 1953 program) in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made.

CONTROL OF FUNDS

§ 702.301 *Maximum farm payment.* The maximum payment for a farm shall be equal to the value of all practices carried out on the farm in accordance with the specifications for such practices.

§ 702.302 *Adjustments.* If the total estimated practice earnings for all farms under the program exceed the funds available for assistance, assistance will be reduced equitably, except that payment will be made in full for fertilizer furnished by the ACP Branch under a purchase order for carrying out the practice contained in § 702.314.

DEVELOPMENT OF THE AGRICULTURAL CONSERVATION PROGRAM AND SELECTION OF PRACTICES

§ 702.306 *Development of the Agricultural Conservation Program.* The 1953 program was developed by the PMA State Office, the State Director of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in Puerto Rico. The State Director of the Farmers Home Administration, the Director of the Agricultural Extension Service, and representatives of the Insular Department of Agriculture participated in the deliberations on the program. The program was recommended by the PMA State Office, the State Director of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in Puerto Rico, and was approved by the ACP Branch.

§ 702.307 *Selection of practices.* Practices included in the 1953 program are only those which, by maintaining or increasing soil fertility, controlling and preventing soil erosion caused by wind or water, encouraging conservation and better agricultural use of water, conserving and increasing range and pasture forage, or conserving and improving farm woodland, contribute to increased or sustained production of needed agricultural commodities. The practices included are those which will not be carried out in the desired volume on the basis of conservation needs unless assistance is given therefor.

CONSERVATION PRACTICES AND RATES OF ASSISTANCE

§ 702.310 *Conservation practices and rates of assistance.* (a) This subpart contains a general description of the conservation practices of the 1953 program and the rates of assistance for the practices. Prior approval of the PMA State Office is required for the practices contained in §§ 702.319 to 702.331, and the approval must be given before the practice is carried out. Such approval shall be conditioned upon carrying out the practices under the supervision of persons who have been designated to be responsible for the practices.

(b) Of the permanent-type conservation practices authorized under this subpart, the Soil Conservation Service is responsible for the technical phases of the permanent-type practices contained in §§ 702.320, 702.321, 702.323 to 702.330. This responsibility shall include (1) a finding that the practice is needed and practical on the farm, (2) necessary site selection, other preliminary work, and lay-out work of the practice, (3) necessary supervision of the installation, and (4) certification of performance (or application of the practice to the land). The practices listed in this paragraph are not considered to be the only permanent-type practices under the program. However, it is hereby determined that they are the only practices in the 1953 program for which the Soil Conservation Service has been delegated responsibility for technical phases under Secretary's Memorandum 1278.

(c) The Forest Service is responsible for the technical phases of the practice contained in § 702.322. This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practice, and (3) working through the PMA State Office, determining compliance in meeting these specifications.

(d) Where the farmer expresses a need for, or the PMA State Office believes that the farmer will need, technical assistance in connection with the carrying out of any practice other than those for which the responsibility for technical phases is delegated to the Soil Conservation Service or the Forest Service, the PMA State Office shall encourage the farmer to avail himself of the technical assistance available from the Soil Conservation Service, the Forest Service, the Extension Service, or any other Federal agency or State agency in position to supply such assistance.

(e) Payment will be made at the rates specified and within the limitations set forth in this subpart for carrying out during the calendar year 1953 any of the conservation practices in this subpart.

§ 702.311 *Practice 1: Applying ground limestone, or its equivalent, to farm land, except to coffee groves and any land within sugarcane farms.* (a) Payment for the tonnage of ground limestone applied per acre is conditioned on a *pH* determination of the soil as follows:

(1) If the determination shows a *pH* of 5.2 or less, payment will be made for the application of up to 2 tons per acre.

(2) If the determination shows a *pH* of more than 5.2, but not more than 5.8, payment will be made for the application of up to 1 ton per acre.

(3) If the determination shows a *pH* of more than 5.8, no payment will be made.

(b) Receipts or invoices showing the purchase and calcium carbonate content of the limestone applied, properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of inspection, together with a copy of the *pH* determination issued by the Extension Service or any other agency deemed qualified for this purpose by the PMA State Office.

Maximum assistance. $3.50 per ton of ground limestone containing at least 80 percent calcium carbonate equivalent.

§ 702.312 *Practice 2: Applying superphosphate as such, or contained in mixed fertilizer having an available phosphoric acid content of not less than 6 percent, to the kinds of permanent pastures specified in § 702.317 (Practice 7), except pastures within sugarcane farms.* Receipts or invoices showing the purchase and analysis of the fertilizer applied, properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of the inspection.

Maximum assistance. $0.05 per pound of available phosphate (P_2O_5).

§ 702.313 *Practice 3: Applying potash as such, or contained in mixed fertilizer, to the kinds of permanent pastures specified in § 702.317 (Practice 7), except to pastures within sugarcane farms.* Receipts or invoices showing the purchase and analysis of the fertilizer applied, properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of the inspection.

Maximum assistance. $0.025 per pound of available potash (K_2O).

§ 702.314 *Practice 4: Applying to coffee trees fertilizer of grades containing not less than 10 units of available N and not less than 10 units of available P_2O_5.* (a) Where the fertilizer applied on any farm does not meet such minimum requirements, the lower grades may be accepted if recommended and approved by the Advisory Committee for the respective community after proper investigation and if approved by the PMA State Office.

(1) The maximum quantity of fertilizer applied on a farm for which payment will be made shall be 600 pounds multiplied by the acreage terraced or to be terraced (or covered or to be covered with catch pits) within the 1953 designated parcel, plus the acreage terraced (or covered with catch pits) before 1953: *Provided*, That such sum is not more than twice the acreage terraced or to be terraced (or covered or to be covered with catch pits) within the 1953 designated parcel: *And provided further*, That such sum is not in excess of the total coffee acreage on the farm. To qualify for such payment, the coffee trees on the 1953 designated parcel must have been properly pruned and thinned, the forest litter properly maintained, and old or nonproductive coffee trees removed, all in accordance with specifications approved by the PMA State Office.

(2) No payment will be made under this practice for the application of fertilizer for which the Insular Government makes payment under any other program.

(3) Receipts or invoices showing the purchase and analysis of fertilizer applied (except for fertilizer furnished by the ACP Branch as provided in paragraph (b) of this section), properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of inspection.

(b) In order to facilitate the financing of the purchase of fertilizers for this practice only (not for §§ 701.312 and 701.313 (Practices 2 and 3)), the fertilizer may be furnished on purchase orders by the ACP Branch to producers for carrying out this practice. Fertilizer may not be furnished to producers whose names are on the register of indebtedness, except in those cases where the agency to which the debt is owed notifies the ACP Branch that it temporarily waives its right to set-off in order to permit the furnishing of fertilizer. Purchase orders may be obtained by filing an application for such orders. Applications are available at the district offices of the Production and Marketing Administration, Extension Service, local offices of the Insular Department of Agriculture and Commerce, and district offices of the Farmers Home Administration.

(c) Title to any materials distributed by the ACP Branch shall vest in the ACP Branch until the material is applied, or all charges for the material are satisfied.

(d) The producer shall pay that part of the cost of the material, as established by the ACP Branch, which is in excess of the credit for the use of the material in carrying out approved practices. The small payment increase on an amount equivalent to the credit value of properly used conservation materials may be advanced as a credit against that part of the cost required to be paid by the producer.

(e) A deduction shall be made for materials furnished by the ACP Branch from the payment of the producer to whom materials are furnished. The deduction shall be the sum of the credit value of the conservation materials furnished and any amount of small payment increase advanced to the producer.

(f) If the producer misuses any material furnished, an additional deduction equal to the original amount of the deduction, excluding any amount of small payment increase advanced to the producer, for the material misused shall be made. Materials will be considered as misused in the following instances:

(1) Where the PMA State Office determines that any conservation material has been applied to a crop other than coffee, unless failure to properly use the material was due to conditions beyond the producer's control.

(2) Where the PMA State Office determines that material has been willfully or negligently destroyed, or has been rendered unusable, by the producer.

(3) Where the PMA State Office determines that a producer has disposed of material by sale, barter, or some other unauthorized means.

(4) Where the PMA State Office is unable to determine the use or disposition of material because of the failure of a producer to furnish requested information by the closing date designated by the ACP Branch for filing performance reports. However, if the requested information is filed at a later date and the material was properly used, the material will not be considered as misused.

(g) If the deduction for the materials exceeds the payment for the producer to whom the materials are furnished, the amount of the difference shall be paid by the producer to the Treasurer of the United States.

(h) Any producer to whom materials are furnished shall be responsible to the ACP Branch for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used during the program year, they may, at the option of the PMA State Office, be transferred to another producer or otherwise disposed of by the PMA State Office at the expense of the producer who abandoned or failed to use the material, or be retained by the producer for use in a subsequent program year.

Maximum assistance. 80 percent of the fair price per ton for the grade of fertilizer used, as determined by the PMA State Office.

§ 702.315 *Practice 5: Applying to farm land refuse from sugar mill grinding operations known as filter cake.* (a) The filter cake must be evenly spread over the

area to which it is applied, preferably by plowing it into the land. A certificate from the mill showing the tons of filter cake delivered to the participating farmer must be retained for presentation to the farm inspector at the time of inspection. If such certificate is not obtainable, the quantity of filter cake to be applied to the land must be inspected by a PMA inspector before the filter cake is plowed into the land or otherwise spread over the land. Farms from which more than 100 acres of sugarcane are harvested in 1953, and any sugarcane farm operated by a producer-processor, as such term is defined under the Sugar Program, regardless of the sugarcane acreage harvested in 1953, are not eligible for payment under this practice.

(b) No payment will be made for the application of more than 20 tons of filter cake per acre.

Maximum assistance. (1) $0.50 per ton for application on sugarcane land.

(2) $1 per ton for application on other lands.

§ 702.316 *Practice 6: Planting sweetpotatoes as a cover crop immediately after tobacco is harvested.* The plants must be spaced close enough to secure a complete cover of the whole area planted, and the planting must be on the contour.

Maximum assistance. (1) $4 per acre if the variety U. P. R. No. 3 is planted.

(2) $3 per acre if other varieties are planted.

§ 702.317 *Practice 7: Establishing permanent pastures by seeding, sodding, or sprigging adapted legumes and grasses, or other adapted forage plants.* (a) The land must be suitably prepared and sufficient slips, cuttings, or seed used to assure a good ground cover at maturity. The variety of grasses must be well adapted to conditions of the particular area to be planted. Any of the following varieties, and other similar plants approved by the PMA State Office, may be used for this purpose: Malojillo (Para grass), Malojilla, Molasses grass, Elephant grass, Merker grass, Guatemala grass, millet, Pangola, Guinea grass, tropical kudzu, Roselawn St. Augustine.

(b) Where pasture is established by using seed, the rates of seeding should be not less than 12 pounds per acre, except for tropical kudzu, where the rate of seeding should be not less than 5 pounds per acre. Where pasture is established by using slips or cuttings, not less than 5,000 slips or cuttings per acre should be used.

Maximum assistance. (1) $6 per acre when tropical kudzu is planted in pure stands.

(2) $5 per acre when any of the varieties listed above, other than tropical kudzu, or similar plants approved by the PMA State Office are planted.

§ 702.318 *Practice 8: Establishing a cover of tropical kudzu for soil building or erosion control.* The land must be suitably prepared and seeded at the rate of not less than 5 pounds per acre.

Maximum assistance. $6 per acre.

§ 702.319 *Practice 9: Brushing pasture.* Elimination by uprooting of all competitive shrubs and plants. In order to qualify for payment all competitive shrubs or plants such as the following must be eliminated: Santa Maria, Zarcas, Tunas, Margarita, Albabaca, Cadillo, Jaraguazo, Guayaba. No assistance will be given for carrying out this practice on any acreage for which assistance for controlling or eliminating the same competitive plants was given under a previous program. No assistance will be given if it is determined that the area is overgrazed.

Maximum assistance. $2 per acre.

§ 702.320 *Practice 10: Constructing farm ponds or reservoirs to provide water for livestock or for irrigation purposes.* No assistance will be given for cleaning or maintaining an existing structure or for repairs or maintenance of a dam or reservoir. Ponds or reservoirs for livestock water may be approved only where needed to obtain proper distribution of livestock and prevent overgrazing.

Maximum assistance. (1) $0.12 per cubic yard of earth moved in the construction of an earth dam.

(2) $10 per cubic yard of concrete used in the construction of a dam.

(3) $0.12 per cubic yard of earth moved in the excavation of a reservoir.

§ 702.321 *Practice 11: Planting fruit trees for erosion control.* Trees must be planted on the contour and protected from fire and grazing. Payment will be made for not more than 200 fruit trees planted on a farm. A permanent cover of grass, legumes, or mulch must be maintained under the trees.

Maximum assistance. $0.10 per tree.

§ 702.322 *Practice 12: Planting adapted trees or shrubs for windbreaks, gully control, and/or forest purposes.* When trees are planted for forest purposes, they must be planted on the contour. All plantings must be protected from fire and grazing.

Maximum assistance. $2 per 100 trees or shrubs.

§ 702.323 *Practice 13: Establishing stripcropping.* Planting of alternate strips of clean-tilled crops and noncultivated grasses or legumes which will prevent soil washing. Contour lines must be established and all cultural operations performed as nearly as practicable on the contour. The spacing and width of the strips must be in accordance with the recommendations of the Soil Conservation Service. No assistance will be given under this practice on the same area for which assistance was given for stripcropping under previous programs.

Maximum assistance. $3 per acre.

§ 702.324 *Practice 14: Establishing water disposal areas by constructing protected outlet channels or establishing permanent grasses or legumes in either natural waterways or in other predetermined locations for carrying runoff water from ditches or terrace systems.* Either type of outlet must be vegetated with the sod-forming grasses listed in § 702.329 (Practice 19) prior to use with companion practices, such as terraces, hillside and/or diversion ditches. When natural waterways are not used, the measurements of constructed channels shall not average less than 24, 18, and 22 inches, respectively. The cross section of the constructed channel shall not average less than 3.5 square feet.

Maximum assistance. (1) $0.75 per 1,000 square feet when established by shaping and seeding.

(2) $3.25 per 1,000 square feet when established by shaping and sodding.

(3) $1.50 per 100 linear feet when a channel is constructed and vegetation established.

§ 702.325 *Practice 15: Constructing continuous terraces for protection against erosion.* In order to qualify for payment, a channel or Nichols type terrace shall be constructed on land having a slope of from 2 to 15 percent. The water-carrying cross-sectional area of the channel, depending upon the slope of the land, may vary from 5½ square feet on land of 15 percent slope to 8 square feet on land of 2 percent slope. Necessary outlets and waterways in accordance with specifications for § 702.327 (Practice 17) must be provided before the terraces are constructed. The vertical distances between terraces on the various slopes shall be as follows:

Slope of land (percent):	*Vertical distances between terraces*
2	2 feet 9 inches
3	3 feet 0 inches
4	3 feet 3 inches
5	3 feet 6 inches
6	3 feet 9 inches
7	4 feet 0 inches
8	4 feet 3 inches
9	4 feet 6 inches
10	4 feet 9 inches
11	5 feet 0 inches
12	5 feet 3 inches
13	5 feet 6 inches
14	5 feet 9 inches
15	6 feet 0 inches

Maximum assistance. $1.25 per 100 linear feet.

§ 702.326 *Practice 16: Establishing field diversion ditches to carry surface runoff water on land of 10 percent or more slope in coffee groves or planted to intertilled crops, except sugarcane, or for the protection of cultivated fields against the inflow of runoff water from other areas.* In order to qualify for payment, field diversion ditches must be constructed in those locations adjacent to lands having a slope of 10 percent or more to prevent the overflow of runoff water from higher areas into the land to be protected. The cross section of the field diversion ditch shall average not less than 3.5 square feet and shall measure not less than 24, 18, and 22 inches, respectively, of width, depth, and side slope. No payment will be made for this practice unless water disposal areas, constructed in accordance with the specifications of § 702.324 (Practice 14), have been provided.

Maximum assistance. $1.25 per 100 linear feet.

§ 702.327 *Practice 17: Constructing permanent open farm drainage ditches.* Payment will be made for the construction or enlargement of farm drainage ditches. Ditches must be provided with adequate outlets and so constructed as to provide an effective drainage for the area to be drained. No payment will be made for permanent open farm drainage ditches constructed on sugarcane land.

Maximum assistance. $0.12 per cubic yard of earth moved.

§ 702.328 *Practice 18: Establishing an adequate system of hillside ditches to carry surface runoff water from land of 10 percent up to 45 percent slope planted in intertilled crops, except sugarcane, and in orchards.* Payment will be made when ditch systems have been constructed and necessary outlets and waterways provided in accordance with the recommendations of the Soil Conservation Service. The minimum cross section of the ditch shall be 12 inches wide and 12 inches deep with a side slope of 1:1 on the lower side of the ditch.

Maximum assistance. $0.12 per cubic yard of earth moved.

§ 702.329 *Practice 19: Constructing ditches with either rock or vegetative barrier protection on land having a slope of from 15 to 35 percent.* (a) Credit will be allowed when the ditches and barriers are constructed and planted in accordance with the following specifications:

(1) The vertical interval between ditches must not exceed 9 feet.

(2) The grade and cross section of the ditch must be such as to carry all water at a nonscouring velocity.

(3) The barrier must be placed at least 6 inches above the upper edge of the ditch.

(4) Any of the following varieties of grasses may be used:

(i) Tall stiff-stemmed grasses: Elephant grass, Merker grass, Guatemala grass, Guinea grass.

(ii) Sod-forming grasses: Bermuda grass, St. Augustine grass, Sour Paspalum grass, Carpet grass.

(iii) Any other adapted grasses or legumes approved by the PMA State Office which when planted singly or in combination will act as a barrier.

(b) The average width and depth of ditches cannot be less than 15 and 12 inches, respectively. The cross section of the channel shall average not less than 1.25 square feet. No assistance will be given for cleaning or maintaining a ditch.

Maximum assistance. $0.70 per 100 linear feet.

§ 702.330 *Practice 20: Planting vegetative barriers on land of 10 percent or more slope.* (a) Credit will be allowed when the grasses forming the barrier are planted in accordance with the following specifications:

(1) Any of the grasses listed under § 702.329 (Practice 19) may be used and must be planted along contour lines.

(2) The vertical distance between the barriers must not exceed 9 feet.

(3) When cuttings of stiff-stemmed grasses are used, two rows 6 inches apart must be planted. When clump divisions of such grasses are used, the rows must be approximately 6 inches wide.

(4) When sod-forming grasses are used, the planted rows must be approximately 3 feet wide.

(b) No credit will be given under this practice if the barriers are constructed in connection with ditches under § 702.329 (Practice 19).

Maximum assistance. $0.30 per 100 linear feet.

§ 702.331 *Practice 21: Constructing wells for supplying water for livestock.* The wells should be constructed in an area of the farm where the providing of water will contribute to a better distribution of grazing. The necessary pumping equipment must be installed, except in connection with artesian wells. Adequate drinking troughs for animals also must be installed. No payment will be made for wells constructed at or for the use of farm headquarters, or unless water is obtained.

Maximum assistance. (1) $1 per linear foot of well for wells having a bore taking a casing of less than 4 inches in diameter, and artesian wells.

(2) $2 per linear foot of well for wells having a bore taking a casing of 4 inches but less than 6 inches in diameter, excluding artesian wells.

(3) $3 per linear foot of well for wells having a bore taking a casing of 6 inches or more in diameter, excluding artesian wells.

§ 702.332 *Practice 22: Constructing and maintaining throughout 1953 individual terraces around coffee trees.* Individual terraces around coffee trees should be constructed as nearly level as possible. Using the tree as an axis, the excavated area should have a radius of at least 3 feet on land having a slope of not more than 45 percent and of at least 2 feet on steeper slopes. The excavated soil should be used to fill in the slope below the tree. No payment will be made for construction of terraces on land having a slope of 2 percent or less. Payment will not be made for more than 450 terraces per acre, nor will payment be made if less than 300 terraces have been constructed per acre. Payment will not be made for this practice if payment has been made by the Insular Government or under any other program.

Maximum assistance. $2 per 100 terraces.

§ 702.333 *Practice 23: Constructing and maintaining throughout 1953 individual catch pits on the upper side of the coffee trees.* Catch pits must be from 30 to 42 inches long, 12 to 15 inches wide, and not less than 8 inches deep. No payment will be made for construction of catch pits on land having a slope of 2 percent or less. Catch pits must be constructed outside the maximum limit of the area covered by the branches of the coffee trees, but always at the upper side of the tree and on the contour. Where the nature of the soil and other local conditions make adherence to the foregoing specifications neither practicable nor desirable, such changes may be made as are recommended by the Advisory Committee for the community and approved by the PMA State Office. In such case the applicable payment per 100 catch pits shall be that recommended by the said Advisory Committee and approved by the PMA State Office, but in no event more than $1.75 per 100 catch pits. No payment will be made for more than 450 catch pits per acre nor will payment be made if less than 300 catch pits have been constructed per acre. No payment will be made for this practice if payment has been made by the Insular Government or under any other program.

Maximum assistance. $1.75 per 100 catch pits.

PAYMENTS

§ 702.341 *Division of payments*—(a) *Conservation practice payments.* The payment earned in carrying out the practice contained in § 702.314 with fertilizer furnished by the ACP Branch shall be credited to the producer to whom the fertilizer is furnished, and it shall have priority over payment for other practices. The payment earned in carrying out other practices shall be paid to the producer who carried out the practices. If more than one producer contributed to the carrying out of such practices, the payment shall be divided in the proportion that the PMA State Office determines the producers contributed to the carrying out of the practices. In making this determination, the PMA State Office shall take into consideration the value of the labor, equipment, or material contributed by each producer toward the carrying out of each practice on a particular acreage, assuming that each contributed equally, unless it is established to the satisfaction of the PMA State Office that their respective contributions thereto were not in equal proportion. The furnishing of land will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance of producer.* In case of death, incompetency, or disappearance of any producer, his share of the payment shall be paid to his successor, determined in accordance with the provisions of Part 716 of this chapter (ACP–122).

§ 702.342 *Increase in small payments.* The payment computed for any person with respect to any farm shall be increased as follows:

(a) Any payment amounting to $0.71 or less shall be increased to $1.

(b) Any payment amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any payment amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
$1 to $1.99	$0.40	$32 to $32.99	$10.40
$2 to $2.99	.80	$33 to $33.99	10.60
$3 to $3.99	1.20	$34 to $34.99	10.80
$4 to $4.99	1.60	$35 to $35.99	11.00
$5 to $5.99	2.00	$36 to $36.99	11.20
$6 to $6.99	2.40	$37 to $37.99	11.40
$7 to $7.99	2.80	$38 to $38.99	11.60
$8 to $8.99	3.20	$39 to $39.99	11.80
$9 to $9.99	3.60	$40 to $40.99	12.00
$10 to $10.99	4.00	$41 to $41.99	12.10
$11 to $11.99	4.40	$42 to $42.99	12.20
$12 to $12.99	4.80	$43 to $43.99	12.30
$13 to $13.99	5.20	$44 to $44.99	12.40
$14 to $14.99	5.60	$45 to $45.99	12.50
$15 to $15.99	6.00	$46 to $46.99	12.60
$16 to $16.99	6.40	$47 to $47.99	12.70
$17 to $17.99	6.80	$48 to $48.99	12.80
$18 to $18.99	7.20	$49 to $49.99	12.90
$19 to $19.99	7.60	$50 to $50.99	13.00
$20 to $20.99	8.00	$51 to $51.99	13.10
$21 to $21.99	8.20	$52 to $52.99	13.20
$22 to $22.99	8.40	$53 to $53.99	13.30
$23 to $23.99	8.60	$54 to $54.99	13.40
$24 to $24.99	8.80	$55 to $55.99	13.50
$25 to $25.99	9.00	$56 to $56.99	13.60
$26 to $26.99	9.20	$57 to $57.99	13.70
$27 to $27.99	9.40	$58 to $58.99	13.80
$28 to $28.99	9.60	$59 to $59.99	13.90
$29 to $29.99	9.80	$60 to $185.99	14.00
$30 to $30.99	10.00	$186 to $199.99	[1]
$31 to $31.99	10.20	$200 and over	[2]

[1] Increase to $200.
[2] No increase.

§ 702.343 *Payments limited to $2,500.* (a) The total of all payments made in connection with the 1953 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) shall not exceed the sum of $2,500.

(b) All or any part of any payment which has been or otherwise would be made to any person under the 1953 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

GENERAL PROVISIONS RELATING TO PAYMENT

§ 702.346 *Maintenance of practices.* Any payment for the performance of approved conservation practices under the 1953 program will be subject to the condition that the person to whom the payment is made will maintain such practices in accordance with good farming practices. If the PMA State Office determines that any conservation practice carried out under the 1953 or any previous program is not maintained in accordance with good farming practices throughout the 1953 program year or the effectiveness of any such practice is destroyed during the 1953 program year, a deduction shall be made for the extent of the practice destroyed or not maintained. The deduction rate shall be the 1953 practice rate or, if the practice is not offered in 1953, the practice rate in effect during the year the practice was performed. The deduction shall be made from the payment of the person responsible for destroying or not maintaining the practice after the payment has been increased in accordance with the provisions of § 702.342.

§ 702.347 *Practices defeating purposes of programs.* If the PMA State Office finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1953 or any previous program, it may withhold, or require to be refunded, all or any part of any payment which has been or would otherwise be made to such person under the 1953 program.

§ 702.348 *Depriving others of payment.* If the PMA State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the amount of any payment which has been or would otherwise be made to him under the 1953 program.

§ 702.349 *Filing of false claims.* If the PMA State Office finds that any person has knowingly filed claim for payment under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible to receive any payment under the program and shall refund all payments that may have been made to him under the program. The withholding or refunding of payments will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 702.350 *Misuse of purchase orders.* If the PMA State Office finds that any producer has knowingly used a purchase order issued to him for conservation materials for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such producer shall not be eligible to receive any payment under the program and shall refund all payments that may have been made to him under the program. The withholding or refunding of payments will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 702.351 *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 702.352, and except for indebtedness to the United States subject to set-off under orders issued by the Secretary (Part 718 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 702.352 *Assignments.* Any person who may be entitled to any payment under the 1953 program may assign his payment, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1953. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the instructions in ACP–70–Insular Region.

§ 702.353 *Practices carried out with State or Federal aid.* The assistance for any practice shall not be reduced because it is carried out with materials or services furnished by the ACP Branch or by any agency of a State to another agency of the same State, or with technical advisory services furnished by a State or Federal agency. In other cases of State or Federal aid, the total assistance for any practice performed shall be reduced, for purposes of payment, by the value of the aid, as determined by the PMA State Office. Materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 702.354 *Compliance with regulatory measures.* Producers who carry out conservation practices for assistance under the 1953 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The producer who receives assistance for the practice shall be responsible to the Federal Government for any losses it may sustain because the producer infringes on the rights of others or fails to comply with applicable laws.

APPLICATION FOR PAYMENT

§ 702.361 *Persons eligible to file application.* An application for payment with respect to a farm may be made by any producer who is entitled to share in the payment determined for the farm.

§ 702.362 *Time and manner of filing application and information required.* Notwithstanding any other provision of this subpart, cash payments amounting to less than $1 will not be made. Cash payments will be made only upon application submitted on the prescribed form to the Production and Marketing Administration district office not later than February 28, 1954, except that the PMA State Office may accept an application filed after February 28, 1954, but not later than December 31, 1954, in any case where the failure to timely file was not the fault of the producer. If an application for a farm is filed within the time prescribed, any producer on the farm who did not sign the application may subsequently apply for his share of payment, provided he does so on or before December 31, 1954. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the district office within the time fixed by the Director, ACP Branch, which time shall be not later than December 31, 1954. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, and any time limit fixed shall afford a full and fair opportunity to those eligible to file the form or information within the period prescribed. Such notice shall be given by mailing notice to the Production and Marketing Administration district offices and making copies available to the press.

APPEALS

§ 702.366 *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the PMA State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his payment with respect to the farm. The PMA State Office shall notify him of its decision in writing with 15 days after receipt of written request for reconsideration. If the producer is dissatisfied with the decision of the PMA State Office, he may, within 15 days after its decision is forwarded to or made available to him, request the Director, ACP Branch, to review the decision of the PMA State Office. Written notice of any decision rendered under this section by the PMA State Office shall also be issued to each other producer on the farm who may be adversely affected by the decision.

BULLETINS, INSTRUCTIONS, AND FORMS

§ 702.371 *Bulletins, instructions, and forms.* The ACP Branch is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1953 program as it applies to Puerto Rico, and forms will be available in the State and district offices of the Production and Marketing Administration. Producers wishing to participate in the program should obtain all information needed from the offices mentioned in this subpart.

DEFINITIONS

§ 702.376 *Definitions.* For the purposes of the 1953 program:

(a) "Secretary" means the Secretary of Agriculture of the United States.

(b) "Director" means the Director of the Agricultural Conservation Programs Branch of the Production and Marketing Administration.

(c) "ACP Branch" means the Agricultural Conservation Programs Branch of the Production and Marketing Administration.

(d) "State" means Puerto Rico.

(e) "PMA State Office" means the Caribbean Area Office, Production and Marketing Administration, San Juan, Puerto Rico.

(f) "Advisory Committee" means the persons, technicians, or others, designated by the PMA State Office and the Insular Department of Agriculture to form a committee for the community.

(g) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and, wherever applicable, a State, Territory, or Possession, or a political subdivision or agency thereof.

(h) "Producer" or "operator" means any person who, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(i) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the PMA State Office, in accordance with instructions issued by the ACP Branch, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with work stock, farm machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the municipality in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the municipality in which the major portion of the farm is located.

(j) "Coffee farm" means the same as "farm," except that it shall contain at least 0.5 acre of coffee in production in any one contiguous area.

(k) "Sugarcane farm" means any farm that has sugarcane growing in 1953.

(l) "Cropland" means farm land which in 1952 was tilled or was in regular crop rotation, excluding bearing orchards and plowable noncrop open pasture.

(m) "Designated parcel" means the acreage designated by the PMA State Office within the coffee-bearing area of a farm on which prescribed practices are to be carried out.

(n) "Orchards" means the acreage in planted fruit trees, nut trees, coffee trees, vanilla plants, and banana plants.

(o) "Pasture land" means farm land, other than range land, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(p) "Range land" means any land which produces, or can produce, forage suitable for grazing by range livestock without cultivation or general irrigation.

(q) "Program year" means the period from January 1, 1953, through December 31, 1953.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 702.381 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q).

§ 702.382 *Availability of funds.* (a) The provisions of the 1953 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the making of the payments provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1953 program will not be available for the payment of applications filed in the Production and Marketing Administration district office in Puerto Rico after December 31, 1954.

§ 702.383 *Applicability.* (a) The provisions of the 1953 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under government ownership, including, but not limited to, grazing lands administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture; and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by Puerto Rico or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Reconstruction Finance Corporation, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other government agency designated by the ACP Branch; and (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

Done at Washington, D. C., this 25th day of August 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-9479; Filed, Aug. 27, 1952; 8:56 a. m.]

PART 703—AGRICULTURAL CONSERVATION PROGRAM; VIRGIN ISLANDS

SUBPART—1953

The United States Department of Agriculture is engaged in various activities to improve the soil and water resources of the farm lands in the Virgin Islands. These include research, educational efforts, and technical and financial assistance as effective means of bringing about increased use of soil and water resources.

Conservation farming is the only effective method of using the farm land for achieving crop improvement and, at the same time, maintaining the productive capacity of the soil so as to assure the needed increased production for the future. The purpose of the 1953 Agricultural Conservation Program is to assist farmers in planning and carrying out conservation activities which will bring about increased agricultural production and development and better use of the Islands' water resources.

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AUTHORITY: §§ 703.200 to 703.262 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 703.200 *Introduction.* Assistance will be given to farmers carrying out conservation practices under the 1953 Agricultural Conservation Program (referred to in this subpart as the 1953 program) in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made.

CONTROL OF FUNDS

§ 703.201 *Maximum farm payment.* The maximum payment for a farm shall be equal to the value of all practices carried out on the farm in accordance with the specifications for such practices.

§ 703.202 *Adjustments.* If the total estimated practice earnings for all farms under the program exceed the funds available for assistance, assistance will be reduced equitably.

DEVELOPMENT OF THE AGRICULTURAL CONSERVATION PROGRAM AND SELECTION OF PRACTICES

§ 703.206 *Development of the Agricultural Conservation Program.* The 1953 program was developed by the PMA State Office, the State Director of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the Virgin Islands. The State Director of the Farmers Home Administration and the Director of the Agricultural Extension Service participated in the deliberations on the program. The program was recommended by the PMA State Office, the State Director of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the Virgin Islands, and was approved by the ACP Branch.

§ 703.207 *Selection of practices.* Practices included in the 1953 program are only those which, by maintaining or increasing soil fertility, controlling and preventing soil erosion caused by wind or water, encouraging conservation and better agricultural use of water, conserving and increasing range and pasture forage, or conserving and improving farm woodland, contribute to increased or sustained production of needed agricultural commodities. The practices included are those which will not be carried out in the desired volume on the basis of conservation needs unless assistance is given therefor.

CONSERVATION PRACTICES AND RATES OF ASSISTANCE

§ 703.210 *Conservation practices and rates of assistance.* (a) This subpart contains a general description of the conservation practices of the 1953 program and the rates of assistance for the practices. Prior approval of the PMA State Office is required for all practices contained in this subpart, and the approval must be given before the practice is carried out. Such approval shall be conditioned upon carrying out the practices under the supervision of persons who have been designated to be responsible for the practices.

(b) Of the permanent-type practices authorized under this subpart, the Soil Conservation Service is responsible for the technical phases of the permanent-type practices contained in §§ 703.213 and 703.214. This responsibility shall include (1) a finding that the the practice is needed and practical on the farm, (2) necessary site selection, other preliminary work, and lay-out work of the practice, (3) necessary supervision of the installation, and (4) certification of performance (or application of the practice to the land). The practices listed in this paragraph are not considered to be the only permanent-type practices in the program. However, it is hereby determined that they are the only practices in the 1953 program for which the Soil Conservation Service has been delegated responsibility for the technical phases under Secretary's Memorandum 1278. Where the farmer expresses a need for, or the PMA State Office believes that the farmer will need, technical assistance in connection with the carrying out of any practice other than those for which the responsibility for technical phases is delegated to the Soil Conservation Service, the PMA State Office shall encourage the farmer to avail himself of the technical assistance available from the Soil Conservation Service, the Forest Service, the Extension Service, or any other Federal agency or State agency in position to supply such assistance.

(c) Payment will be made at the rates specified and within the limitations set forth in this subpart for carrying out during the calendar year 1953 any of the conservation practices in this subpart.

§ 703.211 *Practice 1: Planting grasses on properly prepared land for permanent pastures.* Any of the following grasses, or other similar grasses approved by the PMA State Office, may be used: Guinea grass, molasses grass, Para grass, Barbados sour grass, Pangola, Bermuda grass, Roselawn St. Augustine grass, sour paspalum grass, or carpet grass. The land must be suitably prepared and sufficient quantities of slips, cuttings, or seeds used to assure a good stand at maturity. The varieties of grasses must be well adapted to conditions of the particular area to be planted. Where pasture is established by using seed, the rate of seeding should be not less than 12 pounds per acre. Where pasture is established by using slips or cuttings, not less than 5,000 slips or cuttings should be used per acre.

Maximum assistance. $4.50 per acre.

§ 703.212 *Practice 2: Eradicating hurricane grass on range or pasture land.* The eradication must be carried out by plowing or disking the whole area to a depth of at least 6 inches and double cuttings with heavy disk harrow at least twice at 30-day intervals. No payment will be made unless § 703.211 (Practice 1) is carried out on the same area. No assistance will be given for this practice if the PMA State Office determines that the area is overgrazed. No assistance will be given for carrying out this practice on any acreage for which assistance for eradicating hurricane grass was given under a previous program.

Maximum assistance. $3 per acre.

§ 703.213 *Practice 3: Constructing concrete or rubble masonry watersheds (catchments) and/or storage tanks to collect rain water or for accumulating water from wells or springs for livestock or for irrigation purposes.* No assistance will be given for maintaining an existing structure. This practice is applicable only to St. Thomas and St. John Islands.

Maximum assistance. (1) $12 per cubic yard of concrete structure.

(2) $7 per cubic yard of rubble masonry structure.

§ 703.214 *Practice 4: Constructing rock barriers to form bench terraces.* The barriers must be constructed in accordance with the recommendations of the Soil Conservation Service.

Maximum assistance. $1.50 per cubic yard of rock used.

§ 703.215 *Practice 5: Constructing wells for supplying water for livestock.* The wells should be constructed in an area of the farm where the providing of water will contribute to a better distribution of grazing. The practice will not be approved if the PMA State Office determines that the area to be served by the development is overgrazed. The necessary pumping equipment must be installed, except in connection with artesian wells. Adequate drinking troughs for animals also must be installed. No payment will be made for wells constructed at or for the use of farm headquarters, nor unless water is obtained.

Maximum assistance. (1) $1 per linear foot of well for wells having a bore taking a casing of less than 4 inches in diameter, and artesian wells.

(2) $2 per linear foot of well for wells having a bore taking a casing of 4 inches but less than 6 inches in diameter, excluding artesian wells.

(3) $3 per linear foot of well for wells having a bore taking a casing of 6 inches or more in diameter, excluding artesian wells.

PAYMENTS

§ 703.220 *Division of payments*—(a) *Conservation practice payments.* The payment earned in carrying out practices shall be paid to the producer who carried out the practices. If more than one producer contributed to the carrying out of such practices, the payment shall be divided in the proportion that the PMA State Office determines the producers contributed to the carrying out of the practices. In making this determination, the PMA State Office shall take into consideration the value of the labor, equipment, or material contributed by each producer toward the carrying out of such practice on a particular acreage, assuming that each contributed equally, unless it is established to the satisfaction of the PMA State Office that their respective contributions thereto were not in equal proportion. The furnishing of land will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance of producer.* In case of death, incompetency, or disappearance of any producer, his share of the payment shall be paid to his successor, determined in accordance with the provisions of Part 716 of this chapter (ACP–122).

§ 703.221 *Increase in small payments.* The payment computed for any person with respect to any farm shall be increased as follows:

(a) Any payment amounting to $0.71 or less shall be increased to $1.

(b) Any payment amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any payment amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
$1 to $1.99	$0.40	$32 to $32.99	$10.40
$2 to $2.99	.80	$33 to $33.99	10.60
$3 to $3.99	1.20	$34 to $34.99	10.80
$4 to $4.99	1.60	$35 to $35.99	11.00
$5 to $5.99	2.00	$36 to $36.99	11.20
$6 to $6.99	2.40	$37 to $37.99	11.40
$7 to $7.99	2.80	$38 to $38.99	11.60
$8 to $8.99	3.20	$39 to $39.99	11.80
$9 to $9.99	3.60	$40 to $40.99	12.00
$10 to $10.99	4.00	$41 to $41.99	12.10
$11 to $11.99	4.40	$42 to $42.99	12.20
$12 to $12.99	4.80	$43 to $43.99	12.30
$13 to $13.99	5.20	$44 to $44.99	12.40
$14 to $14.99	5.60	$45 to $45.99	12.50
$15 to $15.99	6.00	$46 to $46.99	12.60
$16 to $16.99	6.40	$47 to $47.99	12.70
$17 to $17.99	6.80	$48 to $48.99	12.80
$18 to $18.99	7.20	$49 to $49.99	12.90
$19 to $19.99	7.60	$50 to $50.99	13.00
$20 to $20.99	8.00	$51 to $51.99	13.10
$21 to $21.99	8.20	$52 to $52.99	13.20
$22 to $22.99	8.40	$53 to $53.99	13.30
$23 to $23.99	8.60	$54 to $54.99	13.40
$24 to $24.99	8.80	$55 to $55.99	13.50
$25 to $25.99	9.00	$56 to $56.99	13.60
$26 to $26.99	9.20	$57 to $57.99	13.70
$27 to $27.99	9.40	$58 to $58.99	13.80
$28 to $28.99	9.60	$59 to $59.99	13.90
$29 to $29.99	9.80	$60 to $185.99	14.00
$30 to $30.99	10.00	$186 to $199.99	(1)
$31 to $31.99	10.20	$200 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 703.222 *Payments limited to $2,500.* (a) The total of all payments made in connection with the 1953 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) shall not exceed the sum of $2,500.

(b) All or any part of any payment which has been or otherwise would be made to any person under the 1953 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

GENERAL PROVISIONS RELATING TO PAYMENT

§ 703.225 *Maintenance of practices.* Any payment for the performance of approved conservation practices under the 1953 program will be subject to the condition that the person to whom the payment is made will maintain such practices in accordance with good farming practices. If the PMA State Office determines that any conservation practice carried out under the 1953 or any previous program is not maintained in accordance with good farming practices throughout the 1953 program year or the effectiveness of any such practice is destroyed during the 1953 program year, a deduction shall be made for the extent of the practice destroyed or not maintained. The deduction rate shall be the 1953 practice rate or, if the practice is not offered in 1953, the practice rate in effect during the year the practice was performed. The deduction shall be made from the payment of the person responsible for destroying or not maintaining the practice after the payment has been increased in accordance with the provisions of § 703.221.

§ 703.226 *Practices defeating purposes of programs.* If the PMA State Office finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1953 or any previous program, it may withhold, or require to be refunded, all or any part of any payment which has been or would otherwise be made to such person under the 1953 program.

§ 703.227 *Depriving others of payment.* If the PMA State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the amount of any payment which has been or would otherwise be made to him under the 1953 program.

§ 703.228 *Filing of false claims.* If the PMA State Office finds that any person has knowingly filed claim for payment under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible to receive any payment under the program and shall refund all payments that may have been made to him under the program. The withholding or refunding of payments will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 703.229 *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 703.230, and except for indebtedness to the United States subject to set-off under orders issued by the Secretary (Part 718 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 703.230 *Assignments.* Any person who may be entitled to any payment under the 1953 program may assign his payment, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1953. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the instructions in ACP–70–Insular Region.

§ 703.231 *Practices carried out with State or Federal aid.* The assistance for any practice shall not be reduced because it is carried out with materials or services furnished by the ACP Branch or by any agency of a State to another agency of the same State, or with technical advisory services furnished by a State or Federal agency. In other cases of State or Federal aid, the total assistance for any practice performed shall be reduced, for purposes of payment, by the value of the aid, as determined by the PMA State Office. Materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 703.232 *Compliance with regulatory measures.* Producers who carry out conservation practices for assistance under the 1953 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The producer who receives assistance for the practice shall be responsible to the Federal Government for any losses it may sustain because the producer infringes on the rights of others or fails to comply with applicable laws.

APPLICATION FOR PAYMENT

§ 703.240 *Persons eligible to file application.* An application for payment with respect to a farm may be made by any producer who is entitled to share in the payment determined for the farm.

§ 703.241 *Time and manner of filing application and information required.* Notwithstanding any other provision of

this subpart, cash payments amounting to less than $1 will not be made. Cash payments will be made only upon application submitted on the prescribed form to the Production and Marketing Administration district office not later than February 28, 1954, except that the PMA State Office may accept an application filed after February 28, 1954, but not later than December 31, 1954, in any case where the failure to timely file was not the fault of the producer. If an application for a farm is filed within the time prescribed, any producer on the farm who did not sign the application may subsequently apply for his share of payment, provided he does so on or before December 31, 1954. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting or another. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the district office within the time fixed by the Director, ACP Branch, which time shall be not later than December 31, 1954. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, and any time limit fixed shall afford a full and fair opportunity to those eligible to file the form or information within the period prescribed. Such notice shall be given by mailing notice to the Production and Marketing Administration district offices and making copies available to the press.

APPEALS

§ 703.245. *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the PMA State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his payment with respect to the farm. The PMA State Office shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the producer is dissatisfied with the decision of the PMA State Office, he may, within 15 days after its decision is forwarded to or made available to him, request the Director, ACP Branch, to review the decision of the PMA State Office. Written notice of any decision rendered under this section by the PMA State Office shall also be issued to each other producer on the farm who may be adversely affected by the decision.

BULLETINS, INSTRUCTIONS, AND FORMS

§ 703.250 *Bulletins, instructions, and forms.* The ACP Branch is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1953 program as it applies to the Virgin Islands, and forms will be available in the State and district offices of the Production and Marketing Administration. Producers wishing to participate in the program should obtain all information needed from the offices mentioned in this subpart.

DEFINITIONS

§ 703.255 *Definitions.* For the purposes of the 1953 program:

(a) "Secretary" means the Secretary of Agriculture of the United States.

(b) "Director" means the Director of the Agricultural Conservation Programs Branch of the Production and Marketing Administration.

(c) "ACP Branch" means the Agricultural Conservation Programs Branch of the Production and Marketing Administration.

(d) "State" means the Virgin Islands.

(e) "PMA State Office" means the Caribbean Area Office, Production and Marketing Administration, San Juan, Puerto Rico.

(f) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and, wherever applicable, a State, Territory, or Possession, or a political subdivision or agency thereof.

(g) "Producer" or "operator" means any person who, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(h) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the PMA State Office, in accordance with instructions issued by the ACP Branch, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with work stock, farm machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the municipality in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the municipality in which the major portion of the farm is located.

(i) "Cropland" means farm land which in 1952 was tilled or was in regular crop rotation, excluding bearing orchards and plowable noncrop open pasture.

(j) "Orchards" means the acreage in planted fruit trees, nut trees, vanilla plants, and banana plants.

(k) "Pasture land" means farm land, other than range land, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(l) "Range land" means any land which produces, or can produce, forage suitable for grazing by range livestock without cultivation or general irrigation.

(m) "Program year" means the period from January 1, 1953, through December 31, 1953.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 703.260 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q).

§ 703.261 *Availability of funds.* (a) The provisions of the 1953 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the making of the payments provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1953 program will not be available for the payment of applications filed in the Production and Marketing Administration district office in the Virgin Islands after December 31, 1954.

§ 703.262 *Applicability.* (a) The provisions of the 1953 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under government ownership, including, but not limited to, grazing lands administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture; and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by the Virgin Islands or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Reconstruction Finance Corporation, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other government agency designated by the ACP Branch; and (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

Done at Washington, D. C., this 25th day of August 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-9480; Filed, Aug. 27, 1952; 8:57 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 941—MILK IN THE CHICAGO, ILLINOIS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 941.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Chicago, Illinois, on April 14–17, 1952, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the said order, as amended, effective not later than September 1, 1952. This action is necessary in the public interest in order to reflect current marketing conditions and to insure the market of an adequate supply of milk. Accordingly, any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously impair orderly marketing of milk in the Chicago, Illinois, marketing area. The provisions of the said amendatory order are well known to handlers—the public hearing having been held April 14–17, 1952, and the decision having been executed by the Secretary on August 13, 1952. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see sec. 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order amending the order, as amended,) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the Chicago, Illinois, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance and who, during the determined representative period (February 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Add the following as § 941.17:

§ 941.17 *Commercial food processor.* "Commercial food processor" means any person engaged in processing food other than milk or cream in fluid form or ice cream.

2. Delete in the introductory language of § 941.40 the phrase "paragraph (b) of this section" and substitute therefor the reference "§ 941.41".

3. Delete § 941.40 (b) and substitute therefor the following:

(b) Any milk moved as milk or skim milk in fluid form, or as bulk condensed or concentrated milk containing not less than 2 percent nor more than 12 percent butterfat, from a regulated plant to any plant located outside the following area, referred to in this subpart as the "surplus milk manufacturing area", shall be classified as Class I milk, any milk so moved as cream in fluid form, frozen cream, other cream frozen, plastic cream, powdered cream, or any cream product in fluid form, including any bulk condensed, concentrated or evaporated milk product containing more than 12 percent butterfat, shall be classified as Class II milk, and any milk so moved as any other milk product containing butterfat shall be classified according to the form in which it leaves the plant of shipment: The State of Wisconsin; the counties of Stark, Marshall, Woodford, Livingston, Ford, Iroquois, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Lake, Carroll, Ogle, De Kalb, Kane, Cook, Du Page, Whiteside, Lee, Rock Island, Henry, Bureau, Putnam, La Salle, Kendall, Grundy, Will, Kankakee, Peoria, McLean, Champaign, Shelby, and Knox, in the State of Illinois; the Counties of Benton, White, Cass, Miami, Howard, Carroll, Tippecanoe, Tipton, Clinton, Fountain, Warren, Parke, Vermillion, Vigo, Sullivan, Lake, Newton, Porter, Jasper, La Porte, Starke, Pulaski, St. Joseph, Marshall, Fulton, Kosciusko, Wabash, and Elkhart, in the State of Indiana; the Counties of Ottawa, Kent, Allegan, Barry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass, and Berrien, in the State of Michigan; and the County of Van Wert in the State of Ohio: *Provided*, That any handler who causes producer milk to be delivered to a plant located outside the surplus milk manufacturing area during the period of a work stoppage at regulated plants due to a labor dispute between employer and employee, may request the market administrator in writing to classify such milk according to its utilization at the unregulated plant and the milk so delivered shall be classified under § 941.41 according to its utilization at the latter plant if (1) the market administrator determines that the volume of the Class I milk packaged by all pool plants as described in § 941.66 (a) has been reduced not less than 50 percent by such work stoppage, and (2) the unregulated plant makes its books and records of milk utilization available to the market administrator for audit verification purposes and the market administrator determines to his satisfaction that utilization of the milk so delivered can be established on the basis of adequate daily records. If the conditions described under subparagraphs (1) and (2) of this paragraph do not prevail the milk so delivered shall be classified as Class I milk.

4. Delete § 941.40 (d) and substitute therefor the following:

(d) Any milk moved as milk or skim milk in fluid form from a regulated plant to any unregulated plant located within the surplus milk manufacturing area which did not manufacture any of the products named in paragraph (c) of this section during the delivery period shall be classified as Class I milk, and any milk so moved as cream in fluid form shall be classified as Class II milk: *Provided*, That if such unregulated plant receives no milk, skim milk or cream from sources other than a regulated

plant(s) and if satisfactory proof is furnished to the market administrator that any such milk, skim milk, or cream was in excess of the total amount used in Class I milk or Class II milk items, respectively (as defined in § 941.41) at the latter plant, such excess shall be classified according to its utilization.

5. Delete § 941.41 (c) (1) and substitute therefor the following:

(1) Condensed milk (sweetened or unsweetened) disposed of to commercial food processors located within the surplus milk manufacturing area, sweetened condensed milk in hermetically sealed cans, evaporated milk, whole milk powder, nonfat dry milk solids, and condensed skim milk (the products specified in this subparagraph are referred to in this subpart as Class III (a) milk);

6. a. Delete from the introductory language of § 941.52 (c) the phrase "the highest of the prices resulting from the respective formulas set forth in subparagraphs (1) and (2) of this paragraph" and substitute therefor the following: "the higher of the prices resulting from the formulas set forth in subparagraph (1) of this paragraph".

b. Delete § 941.52 (c) (2).

7. Delete in § 941.61 the reference "§ 971.70" and substitute therefor the reference "§ 941.70".

8. Replace the period at the end of § 941.61 with a colon and add the following proviso: "*Provided*, That if no source is indicated by the handler which may be verified by the market administrator, the milk or milk products shall be deemed to be 'overrun' and subject to the provisions of § 941.62 rather than to the conditions of this section."

9. Delete the third proviso of § 941.66 (c).

10. Delete § 941.67 and substitute therefor the following:

§ 941.67 *Suspension of pool plants.* (a) Any plant described in § 941.66 (b) shall be suspended automatically as a pool plant, such suspension to be effective during each of the delivery periods of March through July inclusive of the next succeeding year, unless:

(1) At least 50 percent of the butterfat in milk or at least 50 percent of the pounds of milk received from producers at such plant during each of the delivery periods of September, October, and November is (i) shipped as milk, skim milk, or cream in fluid form to a regulated plant(s), or (ii) disposed of from such plant as Class I milk or Class II milk within the surplus milk manufacturing area other than to a regulated plant; or

(2) Such plant gives notice to the market administrator in writing that during each of the delivery periods of September, October, and November, it is willing to ship an amount of milk in fluid form to any regulated plant(s) which together with such amount of milk, skim milk, and cream as it disposes of as Class I milk or Class II milk within the surplus milk manufacturing area (including shipments to any such plant(s)) in said delivery period shall include not less than 50 percent of the butterfat or not less than 50 percent of the pounds of milk received from producers during the delivery period to which said offer applies: *Provided*, That

(i) Said notice shall contain at least the following information: The specific days on which the milk will be available; the amount of milk available on each of such days with the butterfat content thereof, and if such plant intends to offer its entire supply of milk for a particular day, the offer shall so state; and the price to be charged for the milk offered and the terms of sale;

(ii) Only those amounts of milk offered for sale on days that are at least 9 full days after the date on which said notice is postmarked shall be included in computing the total amount offered for the delivery period;

(iii) Only such amount of butterfat or product pounds which is sold on any day within the surplus milk manufacturing area as Class I milk or Class II milk as is in excess of the amount offered for sale on said day by said notice shall be considered in computing the amount actually sold on such day, but the entire amount of butterfat or product pounds so sold shall be considered if such sale occurs on a day on which no offer is made;

(iv) Only such amount of milk offered by said notice on any day shall be credited to the offer as is not in excess of the amount of milk received from producers on said day.

(3) Upon receipt of said notice the market administrator shall make the offer and terms thereof public by transmitting the same to all handlers not later than one business day after receiving the notice.

(4) Any handler who desires to accept an offer shall notify the offering plant, or the person whom the offering handler has designated as his agent to receive acceptance, of his willingness to accept such offer at least 4 days prior to the date on which the milk is available for purchase. If the offering plant or its agent refuses to sell and deliver the milk to the handler accepting the offer and such handler so notifies the market administrator, he shall verify the refusal to sell by communicating with the offering plant or its agent. If upon subsequent audit and investigation the market administrator determines that such milk had not actually been shipped to a regulated plant serving the marketing area, the offer for said day shall be considered null and void, and in determining the plant's compliance with this section consideration shall be given only to sales occurring on such day.

(5) In computing required percentages of milk, skim milk, and cream on a product pound basis any sales of concentrated milk or condensed skim milk to a regulated plant shall be based upon the quantity of the milk or skim milk used in its production rather than upon the quantity of concentrated milk or condensed skim milk sold.

(b) The market administrator shall maintain at his office a list of plants (including plant location and name of operator) suspended pursuant to this section which shall be made available to any interested person upon request and which he may from time to time transmit to all handlers in the market.

(c) Any milk or milk product received at a regulated plant from a plant during any period of suspension pursuant to this section shall be other source milk.

(d) Suspension of any pool plant shall not be terminated or affected by transfer of ownership through sale or otherwise.

11. Delete § 941.68 (a) and substitute therefor the following:

(a) Milk or any milk product disposed of within the Chicago, Illinois, marketing area (other than to a regulated plant) as any item of Class I milk or Class II milk from a plant receiving milk subject to the class price provisions of a marketing agreement or order issued pursuant to the act for another marketing area shall not be subject to the class price provisions of this subpart or to §§ 941.80 through 941.88.

12. Delete that portion of § 941.70 prior to paragraph (a) and substitute the following:

§ 941.70 *Net pool obligation(s) of handlers.* On or before the 14th day of each delivery period the market administrator shall examine for mathematical correctness and obvious errors the report of receipts and utilization submitted by each handler for the preceding delivery period and shall make such corrections as such examination shall indicate to be appropriate. A separate net pool obligation for Grade A milk and Grade B milk shall be computed for each handler (based upon his reports as corrected), as follows:

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 25th day of August 1952, to be effective on and after the 1st day of September 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-9483; Filed, Aug. 27, 1952; 8:57 a. m.]

PART 986—HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

SALABLE QUANTITY OF 1952 CROP HOPS

Notice of proposed rule making with respect to the salable quantity of 1952 crop hops was published in the FEDERAL REGISTER of August 7, 1952 (17 F. R. 7187), pursuant to the provisions of Marketing Agreement No. 107 and Order No. 86 regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States (7 CFR Part 986).

In said notice, in which it was proposed to fix the salable quantity of 1952 crop hops at 39,200,000 pounds, opportunity was afforded interested parties to submit to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington, D. C., written data, views, or arguments for consideration prior to final issuance of the administrative rule fixing the salable quantity. Four such documents were

submitted to the Department during the specified period. It was argued therein that the Hop Control Board estimate of 93 million barrels of beer as the production for the 12 months beginning September 1, 1952, is too high, and that consequently the estimate of domestic hop usage for brewing of 35,805,000 pounds for that period is too large. Views were also presented that the Board's estimate of exports of 9,500,000 pounds of hops during the aforesaid period was high, and that the normal use of hops in the United States for purposes other than brewing, estimated by the Board as 600,000 pounds for the period, was probably in excess of such usage. The information available to the Department does not substantiate these views. Therefore, the arguments submitted to the Department are not considered sufficient to justify changing the Board's estimates as set forth in connection with the proposed rule.

Views were also submitted to the effect that the contemplated reduction in brewers' stocks during the 12-month period, beginning September 1, 1952, of about 3 million pounds would not be sufficient to bring inventories down to a reasonable quantity. The Department recognizes that a further downward adjustment of inventory stocks of hops may be desirable, but a greater reduction than that contemplated by the Board during 1952–53 is not considered advisable. In reaching this conclusion, the Department has considered the fact that the salable quantity of 39,200,000 pounds for 1952 crop hops is 7,300,000 pounds less than the 1951 crop salable quantity; that a further reduction at this time of inventory stocks, and a corresponding reduction in the salable quantity, would result in cancellation of a substantial volume of sales of hops by growers under existing contracts. The present inventory of hop stocks includes approximately 1,900,000 pounds of 1950 crop hops and older, many of which are not considered suitable for use by brewers under present conditions. The stocks of hops suitable for use in brewing is therefore somewhat less than the total stocks reported.

Therefore, after consideration of all relevant matters, it is hereby ordered that:

§ 986.205 *Salable quantity of 1952 crop hops.* The maximum quantity of hops produced during 1952 which may be handled in the form of hops and in the form of any hop product shall be 39,200,000 pounds (net dry weight).

It is necessary to make this order effective upon publication in the FEDERAL REGISTER for the reason that the 1952 crop of hops is now being harvested. Shipments to market are about to begin and it is necessary to have the salable quantity fixed so that the handling of the crop may be properly regulated. No preparation for this regulation is required which cannot be completed prior to such effective date. Therefore, it is found and determined that good cause exists for not delaying the effective date of this regulation after its publication in the FEDERAL REGISTER (sec. 4 (c), Administrative Procedure Act; 60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 22d day of August 1952 to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52-9482; Filed, Aug. 27, 1952; 8:57 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[Regs. 88]

PART 319—TAXES RELATING TO MACHINE GUNS AND CERTAIN OTHER FIREARMS

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AUTHORITY: §§ 319.1 to 319.141 issued under 53 Stat. 294, 467; 26 U. S. C. 2732, 3791. Statutory provisions interpreted or applied are cited to text in parentheses.

LAWS DEALING WITH THE TAXES RELATING TO MACHINE GUNS AND CERTAIN OTHER FIREARMS [1]

NATIONAL FIREARMS ACT

26 U. S. C. 2720 *Tax.* (a) *Rate.* There shall be levied, collected, and paid upon firearms transferred in the United States a tax at the rate of $200 for each firearm: *Provided*, That the transfer tax on any gun with two attached barrels, twelve inches or more in length, from which only a single discharge can be made from either barrel without manual reloading, or any gun designed to be held in one hand when fired and having a barrel twelve inches or more in length from which only a single discharge can be made without manual reloading, shall be at the rate of $1. The tax imposed by this section shall be in addition to any import duty imposed on such firearm.

(b) *By whom paid.* Such tax shall be paid by the transferor.

(c) *How paid*—(1) *Stamps.* Payment of the tax herein provided shall be represented by appropriate stamps to be provided by the Commissioner, with the approval of the Secretary.

(2) *Cross reference.* For assessment in case of omitted taxes payable by stamp, see sections 3311 and 3640.

(d) *Registration and special tax.* For requirements as to registration and special tax, see Part VIII of subchapter A of chapter 27.

26 U. S. C. 2721 *Exemptions.*—(a) *Transfers exempt.* This subchapter and Part VIII of subchapter A of chapter 27 shall not apply to the transfer of firearms (1) to the United States Government, any State, Territory, or possession of the United States, or to any political subdivision thereof, or to the District of Columbia; (2) to any peace officer or any Federal officer designated by regulations of the Commissioner; (3) to the transfer of any firearm which is unserviceable and which is transferred as a curiosity of ornament.

(b) *Notice of exemption.* If the transfer of a firearm is exempted as provided in subsection (a), the person transferring such firearm shall notify the Commissioner of the name and address of the applicant, the number or other mark identifying such firearm, and the date of its transfer, and shall file with the Commissioner such documents in proof thereof as the Commissioner may by regulations prescribe.

(c) *Other taxes.* For exemption from the tax on pistols and revolvers, see section 2700 (b) (2), and for exemption from the manufacturer's sales tax on firearms, see section 3407 of chapter 29.

26 U. S. C. 2722 *Stamps*—(a) *Affixing.* The stamps provided for in section 2720 (c) (1) shall be affixed to the order for such firearm, hereinafter provided for.

(b) *Other laws applicable.* For provisions relating to the engraving, issuance, sale, accountability, cancellation, and distribution of tax-paid stamps, see section 2731.

26 U. S. C. 2723 *Order forms*—(a) *General requirements.* It shall be unlawful for any person to transfer a firearm except in pursuance of a written order from the person seeking to obtain such article, on an application form issued in blank in duplicate for that purpose by the Commissioner. Such order shall identify the applicant by such means of identification as may be prescribed by regulations under this subchapter and Part VIII of subchapter A of chapter 27: *Provided*, That, if the applicant is an individual, such identification shall include fingerprints and a photograph thereof.

(b) *Contents of order form.* Every person so transferring a firearm shall set forth in each copy of such order the manufacturer's number or other mark identifying such firearm, and shall forward a copy of such order to the Commissioner. The original thereof with stamps affixed, shall be returned to the applicant.

(c) *Documents to accompany transfers.* No person shall tranafer a firearm unless such person, in addition to complying with subsection (b), transfers therewith (in compliance with such regulations as may be prescribed under this subchapter for proof of payment of all taxes on such firearm):

(1) For each prior transfer of such firearm which was subject to the tax imposed by section 2720 (a), the stamp-affixed order provided in this section, and

(2) For any making of such firearm which was subject to the tax imposed by section 2734 (a), the stamp-affixed declaration provided in section 2734.

(d) *Exemption in case of registered importers, manufacturers, and dealers.* Importers, manufacturers, and dealers who have registered and paid the tax as provided for in Part VIII of subchapter A of chapter 27 shall not be required to conform to the provisions of this section with respect to transactions in firearms with dealers or manufacturers if such dealers or manufacturers have registered and have paid such tax, but shall keep such records and make such reports regarding such transactions as may be prescribed by regulations under this subchapter and Part VIII of subchapter A of chapter 27.

(e) *Supply.* The Commissioner, with the approval of the Secretary, shall cause suitable forms to be prepared for the purposes of subsection (a), and shall cause the same to be distributed to collectors of internal revenue.

26 U. S. C. 2724 *Books, records, and returns.* Importers, manufacturers, and dealers shall keep such books and records and render such returns in relation to the transactions in firearms specified in this subchapter and Part VIII of subchapter A of chapter 27 as the Commissioner, with the approval of the Secretary, may by regulations require.

26 U. S. C. 2725 *Identification of firearms.* Each manufacturer and importer of a firearm shall identify it with a number or other identification mark approved by the Commissioner, such number or mark to be stamped or otherwise placed thereon in a manner approved by the Commissioner.

26 U. S. C. 2726 *Unlawful acts*—(a) *Possessing firearms unlawfully transferred or made.* It shall be unlawful for any person to receive or possess any firearm which has at any time been transferred in violation of section 2720, 2721 (b), 2722, 2723, 2727, or 2731 of this subchapter, or which has at any time been made in violation of section 2734 of this subchapter.

(b) *Removing or changing identification marks.* It shall be unlawful for anyone to obliterate, remove, change, or alter the number or other identification mark required by section 2725. Whenever on trial for a violation of this subsection the defendant is shown to have or to have had possession of any firearm upon which such number or mark shall have been obliterated, removed, changed, or altered, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant explains such possession to the satisfaction of the jury.

(c) *Importing firearms illegally.* It shall be unlawful (1) fraudulently or knowingly to import or bring any firearm into the United States or any territory under its control or jurisdiction * * *,[2] in violation of the provisions of this subchapter and Part VIII of subchapter A of chapter 27; or (2) knowingly to assist in so doing; or (3) to receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of any such firearm after being imported or brought in, knowing the same to have been imported or brought in contrary to law. Whenever on trial for a violation of this section the defendant is shown to have or to have had possession of such firearm, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant explains such possession to the satisfaction of the jury.

26 U. S. C. 2727 *Exportation.* Under such rules and regulations as the Commissioner with the approval of the Secretary, may prescribe, and upon proof of the exportation of any firearm to any foreign country (whether exported as part of another article or not) with respect to which the transfer tax under section 2720 has been paid by the manufacturer, the Commissioner shall refund to the manufacturer the amount of the tax so paid, or, if the manufacturer waives all claim for the amount to be refunded, the refund shall be made to the exporter.

26 U. S. C. 2728 *Importation.* No firearm shall be imported or brought into the United States or any territory under its control or jurisdiction * * *,[2] except that, under regulations prescribed by the Secretary, any firearm may be so imported or brought in when (1) the purpose thereof is shown to be lawful and (2) such firearm is unique or of a type which cannot be obtained within the United States or such territory.

26 U. S. C. 2729 *Penalties.* Any person who violates or fails to comply with any of the requirements of this subchapter and Part VIII of subchapter A of chapter 27 shall, upon conviction, be fined not more than $2,000 or be imprisoned for not more than five years, or both, in the discretion of the court.

26 U. S. C. 2730 *Forfeitures*—(a) *Laws applicable.* Any firearm which has at any time been transferred or made in violation of the provisions of this subchapter and Part VIII of subchapter A of chapter 27 shall be subject to seizure and forfeiture, and (except as provided in subsection (b)) all the provisions of internal-revenue laws relating to searches, seizures, and forfeiture of unstamped articles are extended to and made to apply to the articles taxed under this subchapter, and the persons to whom this subchapter and Part VIII of subchapter A of chapter 27 applies.

[1] The sections of the United States Code are numbered identically with corresponding sections of the Internal Revenue Code.

[2] Omitted matter, relating to the Philippine Islands, no longer applicable.

(b) *Disposal.* In the case of the forfeiture of any firearm by reason of a violaion of this subchapter and Part VIII of subchapter A of chapter 27: No notice of public sale shall be required; no such firearm shall be sold at public sale; if such firearm is in the possession of any officer of the United States except the Secretary, such officer shall deliver the firearm to the Secretary; and the Secretary may order such firearm destroyed or may sell such firearm to any State, Territory, or possession * * *,[1] or political subdivision thereof, or the District of Columbia, or retain it for the use of the Treasury Department or transfer it without charge to any Executive department or independent establishment of the Government for use by it.

26 U. S. C. 2731 *Other laws applicable.* All provisions of law (including those relating to special taxes, to the assessment, collection, remission, and refund of internal revenue taxes, to the engraving, issuance, sale, accountability, cancellation, and distribution of tax-paid stamps provided for in the internal-revenue laws, and to penalties) applicable with respect to the taxes imposed by sections 2550 of subchapter A of chapter 23 and 3220 of subchapter A of chapter 27, and all other provisions of the internal-revenue laws shall, insofar as not inconsistent with the provisions of this subchapter and Part VIII of subchapter A of chapter 27, be applicable with respect to the taxes imposed by section 2720 (a) and 2734 (a) of subchapter B of this chapter and section 3260 of subchapter A of chapter 27.

26 U. S. C. 2732 *Regulations.* The Commissioner, with the approval of the Secretary, shall prescribe such rules and regulations as may be necessary for carrying the provisions of this subchapter and Part VIII of subchapter A of chapter 27 into effect.

26 U. S. C. 2733 *Definitions.* That for the purposes of this subchapter and Part VIII of subchapter A of chapter 27:

(a) *Firearm.* The term "firearm" means a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition, but does not include any rifle which is within the foregoing provisions solely by reason of the length of its barrel if the caliber of such rifle is .22 or smaller and if its barrel is sixteen inches or more in length.

(b) *Machine gun.* The term "machine gun" means any weapon which shoots, or is designed to shoot, automatically or semiautomatically, more than one shot, without manual reloading, by a single function of the trigger.

(c) Repealed by section 2 (b), Public Law 353, 82nd Congress, effective September 1, 1952.

(d) *Importer.* The term "importer" means any person who imports or brings firearms into the United States for sale.

(e) *Manufacturer.* The term "manufacturer" means any person who is engaged within the United States in the manufacture of firearms, or who otherwise produces therein any firearm for sale or disposition.

(f) *Dealer.* The term "dealer" means any person not a manufacturer or importer engaged within the United States in the business of selling firearms. The term "dealer" shall include wholesalers, pawnbrokers, and dealers in used firearms.

(g) *Interstate commerce.* The term "interstate commerce" means transportation from any State or Territory or District, or any insular possession of the United States * * *,[1] to any other State or to the District of Columbia.

(h) *To transfer or transferred.* The term "to transfer" or "transferred" shall include to sell, assign, pledge, lease, loan, give away, or otherwise dispose of.

(i) *Person.* The term "person" includes a partnership, company, association, or corporation, as well as a natural person.

26 U. S. C. 2734 *Tax on making firearms*—(a) *Rate.* There shall be levied, collected, and paid upon the making in the United States of any firearm (whether by manufacture, putting together, alteration, any combination thereof, or otherwise) a tax at that rate provided in section 2720 (a) which would apply to any transfer of the firearm so made.

(b) *Exceptions.* The tax imposed by subsection (a) shall not apply to the making of a firearm:

(1) By any person who is engaged within the United States in the business of manufacturing firearms;

(2) From another firearm with respect to which a tax has been paid, prior to such making, under either section 2720 (a) or under subsection (a) of this section; or

(3) For the use of (A) the United States Government, any State, Territory, or possession of the United States, any political subdivision thereof, or the District of Columbia, or (B) any peace officer or any Federal officer designated by regulations of the Secretary.

Any person who makes a firearm in respect of which the tax imposed by subsection (a) does not apply by reason of the preceding sentence shall make such report in respect thereof as the Secretary may by regulations prescribe.

(c) *By whom paid; when paid.* The tax imposed by subsection (a) shall be paid by the person making the firearm. Such tax shall be paid in advance of the making of the firearm.

(d) *How paid.* Payment of the tax imposed by subsection (a) shall be represented by appropriate stamps to be provided by the Secretary .

(e) *Declaration.* It shall be unlawful for any person subject to the tax imposed by subsection (a) to make a firearm unless, prior to such making, he has declared in writing his intention to make a firearm, has affixed the stamp described in subsection (d) to the original of such declaration, and has filed such original and a copy thereof. The declaration required by the preceding sentence shall be filed at such place, and shall be in such form and contain such information, as the Secretary may by regulations prescribe. The original of the declaration, with the stamp affixed, shall be returned to the person making the declaration. If the person making the declaration is an individual, there shall be included as part of the declaration the fingerprints and a photograph of such individual.

26 U. S. C. 3260 *Tax*—(a) *Rate.* Upon first engaging in business, and thereafter on or before the 1st day of July of each year, every importer, manufacturer, and dealer in firearms shall pay a special tax at the following rates:

(1) *Importers or manufacturers.* Importers or manufacturers, $500 a year;

(2) *Dealers other than pawnbrokers.* Dealers, other than pawnbrokers, $200 a year;

(3) *Pawnbrokers.* Pawnbrokers, $300 a year;

Provided, That manufacturers and dealers in guns with two attached barrels, twelve inches or more in length, from which only a single discharge can be made from either barrel without manual reloading, guns designed to be held in one hand when fired and having a barrel twelve inches or more in length from which only a single discharge can be made without manual reloading, or guns of both types, shall pay the following taxes: Manufacturers, $25 per year; dealers, $1 per year.

(b) *Computation of tax.* Where the tax is payable on the 1st day of July in any year it shall be computed for one year; where the tax is payable on any other day it shall be computed proportionately from the 1st day of the month in which the liability to the tax accrued to the 1st day of July following.[2]

26 U. S. C. 3261 *Registration*—(a) *Importers, manufacturers, and dealers.* Upon first engaging in business, and thereafter on or before the 1st day of July of each year, every importer, manufacturer, and dealer in firearms shall register with the collector of internal revenue for each district in which such business is to be carried on, his name or style, principal place of business, and places of business in such district.

(b) *Persons in general.* Every person possessing a firearm shall register, with the collector of the district in which he resides, the number or other mark identifying such firearm, together with his name, address, place where such firearm is usually kept, and place of business or employment, and, if such person is other than a natural person, the name and home address of an executive officer thereof. No person shall be required to register under this subsection with respect to a firearm which such person acquired by transfer or importation or which such person made, if provisions of subchapter B of chapter 25 applied to such transfer, importation, or making, as the case may be, and if the provisions which applied thereto were complied with.

26 U. S. C. 3262 *Exemptions.* For provisions exempting certain transfers, see section 2721.

26 U. S. C. 3263 *Unlawful acts in case of failure to register and pay special tax*—(a) *Importation, manufacture or dealing in firearms.* It shall be unlawful for any person required to register under the provisions of section 3261 to import, manufacture, or deal in firearms without having registered and paid the tax imposed by section 3260.

(b) *Transportation in interstate commerce.* It shall be unlawful for any person who is required to register as provided in section 3261 (b) and who shall not have so registered, or any other person who has not in his possession a stamp-affixed order as provided in section 2723 or a stamp-affixed declaration as provided in section 2734, to ship, carry, or deliver any firearm in interstate commerce.

26 U. S. C. 3264 *Other laws applicable.* For provisions relating to special taxes, and other provisions relating to the tax on narcotics made applicable to the taxes imposed by this part, see section 2731.

26 U. S. C. 3265 *Definitions.* For definitions of firearm, machine gun, importer, manufacturer, dealer, and other terms used in this part, see section 2733.

26 U. S. C. 3266 *Transactions between registered persons.* For provisions exempting dealings between registered persons in certain respects, see section 2723 (d).

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[1] Omitted matter, relating to the Philippine Islands, no longer applicable.

[2] Sec. 4 (d) of Public Law 353, 82d Cong., provides as follows:

(d) In the case of any person who is liable for a tax under any provision of sec. 3260 (a) of the Internal Revenue Code solely by reason of the amendments made by this act and who (prior to the effective date of these amendments) commenced the activity which makes him subject to tax under such provision, such tax shall be reckoned proportionately from the beginning of the effective date of these amendments to and including the thirtieth day of June following; and such tax shall be due on, and payable on or before, the last day of the fourth month after the month in which this act is enacted.

RELATED LAWS

26 U. S. C. 1816 *Cancellation*—(a) *General rule.* Whenever an adhesive stamp is used for denoting any tax imposed by this chapter, except as hereinafter provided, the person using or affixing the same shall write or stamp or cause to be written or stamped thereupon the initials of his or its name and the date upon which the same is attached or used, so that the same may not again be used: *Provided*, That the Commissioner may prescribe such other method for the cancellation of such stamps as he may deem expedient.

* * * * *

26 U. S. C. 1823 *Frauds relating to stamps.* Whoever—

* * * * *

(c) *Reuse of stamps*—(1) *Preparation for reuse.* Willfully removes, or alters the cancellation or defacing marks of, or otherwise prepares, any adhesive stamp with intent to use, or causes the same to be used, after it has already been used;

(2) *Trafficking.* Knowingly or willfully buys, sells, offers for sale, or gives away, any such washed or restored stamp to any person for use, or knowingly uses the same; or

(3) *Possession.* Knowingly and without lawful excuse (the burden of proof of such excuse being on the accused) has in possession any washed, restored, or altered stamp, which has been removed from any vellum, parchment, paper, instrument, writing, package, or article;

shall, upon conviction, be punished by a fine of not more than $1,000, or by imprisonment for not more than five years, or both, and any such reused, canceled, or counterfeit stamp and the vellum, parchment, document, paper, package, or article upon which it is placed or impressed shall be forfeited to the United States.

26 U. S. C. 3304 *Redemption of stamps*—(a) *Authorization.* The Commissioner, subject to regulations prescribed by the Secretary, may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps, issued under authority of law, to denote the payment of any internal revenue tax, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or where the rates or duties represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected.

(b) *Method and conditions of allowance.* Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof; but no allowance or redemption shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the Commissioner, or until satisfactory proof has been made showing the reason why the same cannot be returned; or, if so required by the said Commissioner, when the person presenting the same cannot satisfactory trace the history of said stamps from their issuance to the presentation of his claim as aforesaid.

(c) *Time for filing claims.* No claim for the redemption of or allowance for stamps shall be allowed unless presented within four years after the purchase of such stamps from the Government.

(d) *Finality of Commissioner's decisions.* The finding of facts in and the decision of the Commissioner upon the merits of any claim presented under or authorized by this section shall, in the absence of fraud or mistake in mathematical calculation, be final and not subject to revision by any accounting officer.

* * * * *

26 U. S. C. 3612 *Returns executed by Commissioner or collector*—(a) *Authority of collector.* If any person fails to make and file a return or list at the time prescribed by law or by regulation made under authority of law, or makes, willfully or otherwise, a false or fraudulent return or list, the collector or deputy collector shall make the return or list from his own knowledge and from such information as he can obtain through testimony or otherwise.

(b) *Authority of Commissioner.* In any such case the Commissioner may, from his own knowledge and from such information as he can obtain through testimony or otherwise—

(1) *To make return.* Make a return or

(2) *To amend collector's return.* Amend any return made by a collector or deputy collector.

(c) *Legal status of returns.* Any return or list so made and subscribed by the Commissioner, or by a collector or deputy collector and approved by the Commissioner, shall be prima facie good and sufficient for all legal purposes.

(d) *Additions to tax*—(1) *Failure to file return.* In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner or the collector in pursuance of law, the Commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax: *Provided*, That in the case of a failure to make and file a return required by law, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, if the last date so prescribed for filing the return is after August 30, 1935, then there shall be added to the tax, in lieu of such 25 per centum: 5 per centum if the failure is for not more than 30 days, with an additional 5 per centum for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per centum in the aggregate.

(2) *Fraud.* In case a false or fraudulent return or list is willfully made, the Commissioner shall add to the tax 50 per centum of its amount.

(3) *Cross reference.* For additions to tax in the case of income tax, see sections 291 and 293, and in the case of a deficiency in gift tax, see section 1019.

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26 U. S. C. 3614 *Examination of books and witnesses*—(a) *To determine liability of the taxpayer.* The Commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons.

* * * * *

26 U. S. C. 3615 *Summons from collector to produce books and give testimony*—(a) *General authority.* It shall be lawful for the collector, subject to the provisions of this section to summon any person to appear before him and produce books at a time and place named in the summons, and to give testimony or answer interrogatories, under oath, respecting any objects or income liable to tax or the returns thereof. The collector may summon any person residing or found within the State or Territory in which his district lies; and when the person intended to be summoned does not reside and can not be found within such State or Territory, he may enter any collection district where such person may be found and there make the examination herein authorized. And to this end he may there exercise all the authority which he might lawfully exercise in the district for which he was commissioned.

* * * * *

26 U. S. C. 3770 *Authority to make abatements, credits, and refunds*—(a) *To taxpayers*—(1) *Assessments and collections generally.* Except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes, the Commissioner, subject to regulations prescribed by the Secretary, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected.

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26 U. S. C. 3793 *Penalties and forfeitures.*

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(b) *Fraudulent returns, affidavits, and claims*—(1) *Assistance in preparation or presentation.* Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the internal revenue laws, of a false or fraudulent return, affidavit, claim, or document, shall (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document) be guilty of a felony, and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

* * * * *

18 U. S. C. 1001 *Statements or entries generally.* Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both. June 25, 1948, c. 645, 62 Stat. 749.

Preamble. 1. These regulations, Regulations 88, "Taxes Relating to Machine Guns and Certain Other Firearms" shall, on and after September 1, 1952, supersede Regulations 88, 1941 edition (26 CFR Part 319, 6 F. R. 4935) and Treasury Decisions 5481 (10 F. R. 12549), 5501 (11 F. R. 2770), and 5632 (13 F. R. 3734).

2. These regulations shall not affect or limit any act done or any liability incurred under any regulations superseded hereby, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the effective date of these regulations, nor shall these regulations release, acquit, affect, or limit any offense committed in violation of previously existing regulations, or any penalty, liability or forfeiture incurred prior to such date.

3. It is found that compliance with the notice and public rule-making procedure and effective date limitations of the Administrative Procedure Act (5 U. S. C.

1001, et seq.), in connection with the issuance of the regulations in this part, (a) is impracticable because the taxes imposed by Public Law 353, 82d Congress, the collection of which is provided for in this part, become effective September 1, 1952, and there is not sufficient time in which to comply with such notice and public rule-making procedure, and (b) is unnecessary for the reason that the provisions of this part are of a technical and clarifying nature and do not adversely affect the legitimate industry.

SUBPART A—SCOPE OF REGULATIONS

§ 319.1 *Persons subject to taxes.* This part, "Regulations 88, Taxes Relating to Machine Guns and Certain Other Firearms", contains the procedural and substantive requirements relative to

(a) The special taxes imposed by Chapter 27, Subchapter A, Part VIII, of the Internal Revenue Code, as amended, on manufacturers and importers of, and dealers (including pawnbrokers) in, certain firearms, including machine guns and silencers or mufflers;

(b) The stamp tax imposed by Chapter 25, Subchapter B, of the Internal Revenue Code, as amended, on transfers of such firearms; and

(c) The stamp tax imposed by Chapter 25, Subchapter B, of the Internal Revenue Code, as amended, on the making of such firearms (other than by qualified manufacturers).

§ 319.2 *Other laws applicable.* Other provisions of the internal revenue laws are made applicable by section 2731 of the Internal Revenue Code to the taxes referred to in § 319.1.

SUBPART B—DEFINITIONS

§ 319.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 319.6 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 319.7 *Corporation.* "Corporation" shall include associations, joint-stock companies, and insurance companies.

§ 319.8 *Dealer.* "Dealer" shall mean any person not a manufacturer or importer engaged within the United States in the business of selling firearms. The term "dealer" shall include wholesalers, pawnbrokers, and dealers in used firearms.

§ 319.9 *Director.* "Director" shall mean the Director of Internal Revenue.[1]

[1] In every district reorganized pursuant to Reorganization Plan No. 1 of 1952 (17 F. R. 2243) the office of Collector of Internal Revenue has been abolished and the office of Director of Internal Revenue created in place thereof. Since all offices of the Collector of Internal Revenue are to be abolished and all offices of Director of Internal Revenue created not later than December 1, 1952, the term "Director" is used in this part to denote the officer in charge of a collection district. Where a district has not been reorganized the term "Director" shall be deemed to mean "Collector of Internal Revenue."

§ 319.10 *Exportation.* "Exportation" shall mean the severance of goods from the mass of things belonging to this country with the intention of uniting them to the mass of things belonging to some foreign country.

§ 319.11 *Exporter.* "Exporter" shall mean any person who exports firearms from the United States.

§ 319.12 *Firearm.* "Firearm" shall mean a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition, but does not include any rifle which is within the foregoing provisions solely by reason of the length of its barrel if the caliber of such rifle is .22 or smaller and if its barrel is sixteen inches or more in length.

§ 319.13 *Importation.* "Importation" shall mean the bringing of a firearm within the limits of the United States or any territory under its control or jurisdiction, from a place outside thereof (whether such place be a foreign country or territory subject to the jurisdiction of the United States), with intent to unlade.

§ 319.14 *Importer.* "Importer" shall mean any person who imports or brings firearms into the United States for sale.

§ 319.15 *Includes and including.* The terms "includes" and "including" when used in a definition shall not be deemed to exclude other things otherwise within the meaning of the term defined.

§ 319.16 *Insular possessions.* "Insular possessions" shall mean the Panama Canal Zone, the Virgin Islands, Guam, Puerto Rico, American Samoa, Wake, the Midway Islands, and Palmyra.

§ 319.17 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code.

§ 319.18 *Interstate commerce.* "Interstate commerce" shall mean transportation from any State or Territory or District, or any insular possession of the United States, to any other State or to the District of Columbia.

§ 319.19 *Machine gun.* "Machine gun" shall mean any weapon which shoots, or is designed to shoot, automatically or semiautomatically, more than one shot, without manual reloading, by a single function of the trigger.

§ 319.20 *Making of a firearm.* The "making of a firearm" as defined in section 2733, Internal Revenue Code (26 U. S. C. 2733) shall mean the production or creation of a firearm by any means, including manufacture, putting together of parts, alteration, any combinations thereof, and any process of manipulation or transformation of any other weapon. Examples: (1) The sawing off of a barrel or barrels of a shotgun to a length of less than 18 inches, or (2) the altering of a semiautomatic pistol by the change or addition of parts so as to produce a fully automatic or machine gun type of firearm.

§ 319.21 *Manufacturer.* "Manufacturer" shall mean any person who is engaged within the United States in the manufacture of firearms, or who otherwise produces therein any firearm for sale or disposition.

§ 319.22 *Muffler or silencer.* "Muffler" or "silencer" shall mean any device for silencing or diminishing the report of any portable weapon, such as a rifle, carbine, pistol, revolver, machine gun, submachine gun, shotgun, fowling piece, or other device from which a shot, bullet, or projectile may be discharged by an explosive, and is not limited to mufflers or silencers for "firearms" as defined.

§ 319.23 *Partnership.* "Partnership" shall include a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not a trust or estate or a corporation.

§ 319.24 *Partner.* "Partner" shall include a member of a partnership, syndicate, group, pool, joint venture, or unincorporated organization.

§ 319.25 *Person.* "Person" shall mean and includes natural persons, associations, partnerships, corporations and companies.

§ 319.26 *Pistol.* "Pistol" shall mean a small projectile weapon having a short one-hand stock or butt at an angle to the line of the bore and a short barrel or barrels, designed, made and intended to be aimed and fired from one hand.

§ 319.27 *Revolver.* "Revolver" shall mean a small projectile weapon, of the pistol type, having a breechloading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing.

§ 319.28 *Secretary.* "Secretary" shall mean the Secretary of the Treasury.

§ 319.29 *Taxpayer.* "Taxpayer" shall mean any person subject to a tax.

§ 319.30 *To transfer or transferred.* "To transfer" or "transferred" shall include to sell, assign, pledge, lease, loan, give away, or otherwise dispose of.

§ 319.31 *United States.* "United States" shall mean the States, the Territories of Alaska and Hawaii, and the District of Columbia.

§ 319.32 *U. S. C.* "U. S. C." shall mean the United States Code.

SUBPART C—SPECIAL (OCCUPATIONAL) TAXES

PAYMENT OF TAX

§ 319.35 *Geographical scope of tax.* Every person who engages in the business of importing, manufacturing, or dealing in firearms within the States of the United States, the Territories of Alaska and Hawaii and the District of Columbia, is required to pay a special tax on such business.

§ 319.36 *Rates of tax.* (a) The special taxes are as follows:

	Per year
Class 1: Importers or manufacturers of firearms, except manufacturers in class 2	$500
Class 2: Manufacturers of firearms whose production is limited to guns with two attached barrels, 12 inches or more but less than 18 inches in length (16 in the case of rifles of .22 caliber or less), from which only a single discharge can be made from either barrel without manual reloading, or guns designed to be held in one hand when fired and having a barrel 12 inches or more but less than 18 inches in length (16 in the case of rifles of .22 caliber or less), from which only a single discharge can be made without manual reloading, or guns of both types	25
Class 3: Pawnbrokers, except those in class 5	300
Class 4: Dealers, other than pawnbrokers, except those in class 5	200
Class 5: Dealers, including pawnbrokers, whose dealing in firearms is limited to guns with two attached barrels, 12 inches or more but less than 18 inches in length (16 in the case of rifles of .22 caliber or less), from which only a single discharge can be made from either barrel without manual reloading, or guns designed to be held in one hand when fired, and having a barrel 12 inches or more but less than 18 inches in length (16 in the case of rifles of .22 caliber or less), from which only a single discharge can be made without manual reloading, or guns of both types	1

(b) The tax year begins July 1 and ends June 30. Persons commencing business between August 1 and June 30 (both dates inclusive) of any tax year must pay a proportionate part of the annual tax. Persons in business for only a portion of a month are liable to tax for the entire month. For example, a person commencing business October 21 must pay tax for nine months, or three-fourths of the yearly rate.

§ 319.37 *Registry, return, and payment of tax.* Every person first engaging in any business mentioned herein must, prior to commencing business, separately for each place of business, register and file return on Form 11A (Firearms) with, and pay the tax to, the Director for the collection district in which such place is located. Thereafter, such person must register, file return, and pay the tax on or before the 1st day of July of each year. The Director will furnish the proper form, which must be filled out and verified under penalty of perjury. Each return must show an individual's full name. A person doing business under a style or trade name must give his own name, followed by his style or trade name. In the case of a copartnership, association, firm, or company, other than a corporation, its style or trade name must be given, also the name of each member and his place of residence. In the case of a corporation, the name and title of each officer and his place of residence must be shown. The exact type of business, whether manufacturer, importer, pawnbroker, or dealer other than pawnbroker, and the period for which special tax is due, must be stated.

§ 319.38 *Tax payment evidenced by special tax stamp.* Upon receipt of a return on Form 11A (Firearms), accompanied by remittance of the full amount due, the Director will issue a special tax stamp as evidence of payment of the special tax. Such payment may be made in the form of cash; United States postal money orders; bank, express, and telegraphic money orders; cashier's and treasurer's checks drawn on National and State banks and trust companies; or certified checks.

§ 319.39 *Superscription on stamp; transmittal to taxpayer.* Directors will distinctly write or print the taxpayer's registered name (see §§ 319.37 and 319.46), and the address of the particular place of business designated by street and number, on the stamp before it is delivered or mailed to the taxpayer. Special tax stamps will be transmitted by ordinary mail, unless it is desired by the taxpayer that they be transmitted by registered mail, in which case the current registry fee will be remitted with the return.

§ 319.40 *Report to Commissioner by Director issuing stamp.* Immediately upon issuance of a special tax stamp the Director will forward to the Commissioner a 3 x 5 card showing the name and address of the taxpayer, the kind and serial number of the special tax stamp issued, the taxable period covered thereby, and the amount of tax paid.

§ 319.41 *Receipt in lieu of stamp forbidden.* Directors and their agents are forbidden to issue receipts in lieu of stamps representing the payment of special taxes.

§ 319.42 *Special tax stamp to be posted.* Every special tax stamp issued to a taxpayer must be kept posted conspicuously on the premises where the business is operated. One who fails so to post a stamp thereby incurs liability to a penalty, equal and in addition to the tax, plus the costs of prosecution; but in no case will the penalty (not including the costs of prosecution) be less than $10. Where the failure is willful the penalty is doubled. This liability is additional to any and all liability otherwise incurred.

§ 319.43 *Certificates in lieu of stamps lost or destroyed.* When a special tax stamp has been lost or destroyed, such fact should be reported to the Director at once for the purpose of obtaining from him a certificate of payment in lieu of the lost or destroyed special tax stamp. Such certificate must be posted in place of the stamp; otherwise liability will be incurred, as above indicated, for failure to post the stamp. (See § 319.42.)

§ 319.44 *Several places of business.* Generally a taxpayer must pay as many special taxes as he has places of business. However, a person paying special tax at his principal place of business may store goods, wares or merchandise at other places than the place of business without incurring special tax at such place of storage. A manufacturer upon a single payment of special tax may sell products of his own manufacture at the place of manufacture and at his principal office or place of business, provided no products, except samples, are kept at said office or place of business. Removal of a business to a new location creates a new liability unless the change of location is registered with the Director, as provided in § 319.51.

§ 319.45 *Dual occupations incur dual liability.* In any case where more than one taxable business is carried on by the same person at the same location at the same time, special tax in respect to each must be paid.

§ 319.46 *Partnership liability.* Any number of persons doing business in copartnership at any one location shall be required to pay but one special tax. In issuing a special tax stamp to a partnership, the Director will show thereon the name of each person disclosed on the partnership's Form 11A (Firearms) followed by the firm or trade name, if any. The issuance by the Director of a special tax stamp in a firm or trade name only is not authorized.

CHANGE OF OWNERSHIP

§ 319.47 *Changes through death of owner.* Whenever any person who has paid special tax dies, the surviving spouse or child, or executors or administrators, or other legal representatives, may carry on such business for the remainder of the term for which tax has been paid without any additional payment, subject to the conditions hereinafter stated. If the surviving spouse or child, or executor or administrator, or other legal representative of the deceased taxpayer continue the business, such person must within 30 days after the date on which the successor begins to carry on the business, file with the Director a new Form 11A (Firearms). The return thus executed must show the name of the original taxpayer, together with the basis of the succession. (As to liability in case of failure to register, see § 319.55.)

§ 319.48 *Changes through bankruptcy of owner.* A receiver or referee in bankruptcy may continue the business under the stamp issued to the taxpayer at the place and for the period for which the tax was paid. An assignee for the benefit of creditors may continue business under his assignor's special tax stamp without incurring additional special tax liability. In such cases, the change must be registered with the Director in a manner similar to that required by § 319.47.

§ 319.49 *Change in firm.* When one or more members of a firm or partnership withdraw, the business may be continued by the remaining partner or partners under the same special tax stamp for the remainder of the period for which the stamp was issued to the old firm. The change shall, however, be registered in the same manner as required in § 319.47. Where new partners are taken into a firm, the new firm so constituted may not carry on business under the special tax stamp of the old firm. The new firm must make return and pay its own special tax reckoned from the 1st day of the month in which it began business, even though the name of such firm be the same as that of the old. Where the members of a partnership which has paid special tax form a

corporation to continue the business, a new special tax stamp must be taken out in the name of the corporation.

§ 319.50 *Change in corporation.* Additional special tax is not required by reason of a mere change of name or increase in the capital stock of a corporation if the laws of the State of incorporation provide for such change or increase without the formation of a new corporation. A stockholder in a corporation who after its dissolution continues the business incurs new special tax liability.

CHANGE OF BUSINESS LOCATION

§ 319.51 *Notice by taxpayer.* Whenever a special-tax payer removes his business to a location other than specified in his last special tax return (see § 319.37), he shall, within 30 days after the date of removal, register the change of location with the Director of the collection district within which the old place of business is located, by filing another return, Form 11A (Firearms), and designated "removal registry", setting forth the time of removal. The taxpayer's special tax stamp must accompany the return for notation by the Director of the change of location. As to liability in case of failure to register a change of location within 30 days, see § 319.55.

§ 319.52 *Procedure by Director; removal within collection district.* When registration is made by a special-tax payer in the manner specified in § 319.51, of the removal of his business to a new location in the same collection district, the Director will enter on his Record 10 (see § 319.59) the place to which such removal was made and the date of the removal. The same information shall also be entered plainly on the face of the special tax stamp, which will be returned to the taxpayer, by the Director, for posting.

§ 319.53 *Procedure by Director; removal to another collection district.* In case of removal to another collection district, the Director will note the transfer on his Record 10, stating the location to which the business was removed, and shall then transmit the special tax stamp to the Director for the collection district to which said business was removed. The latter will make an entry on his Record 10 as in the case of an original registration in his district, correct the location shown on the stamp, and note also thereon his name, title, date, and collection district, and then forward the stamp to the taxpayer.

PENALTIES

§ 319.54 *Failure to pay special tax.* Persons carrying on a business within the scope of section 3260, I. R. C. (26 U. S. C. 3260) without payment of special tax within the time prescribed (see § 319.37) are liable, in addition to the amount of the tax and other penalties, to fine and imprisonment as provided in section 2729, I. R. C. (26 U. S. C. 2729).

§ 319.55 *Failure to register change or removal.* Any person succeeding to and carrying on a business for which special tax has been paid, and any taxpayer removing his business with respect to which special tax has been paid to a place other than that for which tax was paid, without registering such change or removal within 30 days thereafter, will be liable to the additional tax and penalty prescribed in section 3612 (d), I. R. C. (26 U. S. C. 3612 (d)) for failure to make return (see § 319.56), as well as to fine and imprisonment for carrying on business without payment of special tax, (See § 319.54.)

§ 319.56 *Delinquency.* In case of failure to file a return within the prescribed time, a certain percentage of the amount of the tax is added to the tax unless the return is later filed and failure to file the return within the prescribed time is shown to the satisfaction of the Commissioner to be due to reasonable cause and not to willful neglect. The amount to be added to the tax is 5 percent if the failure is for not more than 30 days, with an additional 5 percent for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 percent in the aggregate.

(53 Stat. 437; 26 U. S. C. 3612)

§ 319.57 *Fraudulent return.* If a false or fraudulent return is filed, the taxpayer is liable to an additional amount equal to 50 percent of the total tax. If a person liable to tax for an entire year falsely states in his return that he is liable for a portion only of the year, the return is false not only as to the portion of the year not covered but as to the portion falsely represented as the actual period of liability.

(53 Stat. 437; 26 U. S. C. 3612)

APPLICATION OF STATE LAWS

§319.58 *State regulations.* Special tax stamps are merely receipts for the tax. Payment of tax under Federal law confers no privilege to act contrary to State law. One to whom a special tax stamp has been issued may still be punishable under a State law prohibiting or controlling the manufacture or transfer of firearms. On the other hand, compliance with State law confers no immunity under Federal law. Persons who engage in the manufacture, or transfer, of firearms, in violation of the law of a State, are nevertheless required to pay special tax as imposed under the internal revenue laws of the United States.

RECORD OF SPECIAL TAXPAYERS FOR PUBLIC INSPECTION

§ 319.59 *Record 10.* Each Director shall prepare and keep for public inspection, on Record 10, an alphabetical list of the names of all persons who have paid special taxes within his district. Record 10 will show the time, place, and business for which such special taxes have been paid. Upon application of any prosecuting officer of any State, county, or municipality, the Director will furnish a certified copy of Record 10, for which a fee of $1 for each one hundred words or fraction thereof in such certified copy or copies may be charged.

SUBPART D—TAX ON MAKING FIREARMS

§ 319.65 *Scope of tax.* Except as otherwise provided (see §§ 319.72, 319.73, and 319.74) the making in the United States of any firearm (whether by manufacture, putting together, alteration, any combination thereof, or otherwise) is subject to tax to be represented by an adhesive stamp bearing the words "Firearms Act." In every case the tax shall be paid by the person making the firearm and such tax shall be paid in advance of the making of the firearm. (See §§ 319.67, 319.130 and 319.131.)

§ 319.66 *Rate of tax.* The tax on the making of firearms is at the rate of $200 for each firearm, except that the rate of tax is $1 upon the making of any gun with two attached barrels, 12 inches or more but less than 18 inches in length (16 in the case of rifles of .22 caliber or less), from which only a single discharge can be made from either barrel without manual reloading, or any gun designed to be held in one hand when fired and having a barrel 12 inches or more but less than 18 inches in length (16 in the case of rifles of .22 caliber or less), from which only a single discharge can be made without manual reloading.

DECLARATION OF INTENT TO MAKE A FIREARM

§ 319.67 *Written declaration.* Except as provided in §§ 319.72, 319.73 and 319.74 every person intending to make a firearm must declare his intention in writing on Form 1A (Firearms) to make such firearm. The declaration shall show (a) the name and address of the maker, and, if the maker is other than a natural person, the name and address of the principal officer or authorized representative thereof; (b) the serial number, model, length of barrel, trade name, and other marks identifying the firearm; (3) the place where the firearm will usually be kept; and (4) such additional information as may be required on Form 1A (Firearms). A "Firearms Act" stamp of the proper denomination (see § 319.66) must be affixed to the original declaration, in the space provided therefor, and properly canceled (see § 319.71).

§ 319.68 *Identification and character certification.* If the declarant is an individual, he shall attach to each copy of the declaration an individual photograph of himself, taken within 90 days prior to the date of such declaration, and shall affix his fingerprints to such declaration. The fingerprints must be clear for accurate classification and should be taken by some one properly equipped to take them. The declaration must be supported by a certificate of the local chief of police, sheriff of the county, United States attorney, United States marshal, or such other person whose certificate may in a particular case be acceptable to the Commissioner, certifying that he is satisfied that the fingerprints and photograph appearing on the declaration are those of the declarant and that the firearm is intended by such person for lawful purposes.

§ 319.69 *Requirements for approval of declaration.* The declaration of intent to make a firearm, Form 1A (Firearms), must be forwarded, in duplicate, by the maker of the firearm direct to the Commissioner of Internal Revenue, Washington, D. C. The Commissioner, if satisfied that the forms have been correctly prepared, that the original bears the re-

quired stamp, properly canceled, and that the fingerprints are clear enough for accurate classification, will approve it as to form, return the original to the maker of the firearm and retain the duplicate. Upon receipt of the approved declaration of intent to make a firearm, the maker is authorized to make the firearm, described therein. The maker of the firearm shall not, under any circumstances, make the firearm until the declaration, satisfactorily executed, with the "Firearms Act" stamp attached, has been forwarded to the Commissioner and returned by him.

§ 319.70 *Subsequent transfer of firearm.* Where a firearm which has been made in compliance with section 2734, I. R. C. (26 U. S. C. 2734), is to be subsequently transferred, the transfer provisions of the firearm laws and regulations must be complied with. The order form, Form 4 (Firearms), covering such proposed transfer must, when filed with the Commissioner, be accompanied by the previously approved declaration of intent to make such firearm. Such order form and approved declaration of intent to make the firearm will be returned by the Commissioner to the transferor for delivery to the transferee at the time the firearm is transferred.

§ 319.71 *Cancellation of stamp.* The person affixing to a declaration a "Firearms Act" stamp shall cancel it by writing or stamping thereon, in ink, his initials, and the day, month and year, or shall, by cutting with a machine or punch, affix his initials and the date as aforesaid, in such manner as to render it unfit for reuse. The cancellation shall not so deface the stamp as to prevent its denomination and genuineness from being readily determined.

(53 Stat. 201; 26 U. S. C. 1816)

EXCEPTIONS TO TAX ON MAKING FIREARMS

§ 319.72 *Registered manufacturers.* The tax on the making of a firearm and the requirements as to use of a form declaring the intention to make a firearm are not applicable to manufacturers who have paid special tax and registered as required by section 3260 (a) (1), I. R. C. (26 U. S. C. 3260 (a) (1)), and section 3261 (a), I. R. C. (26 U. S. C. 3261 (a)). However, such manufacturers must keep the records required by § 319.115 and make the returns required by § 319.116.

§ 319.73 *Altering a firearm which has previously been taxed.* No tax will be imposed on the making of a firearm if such making involves the alteration or conversion of a firearm with respect to which a tax has been paid, prior to such making, under either section 2720 (a), I. R. C. (26 U. S. C. 2720 (a)), or under section 2734 (a), I. R. C. (26 U. S. C. 2734 (a)). However, the person so altering or converting such firearm shall notify the Commissioner in writing immediately thereafter, giving a complete description of the firearm so altered or converted and indicating the changes made.

§ 319.74 *Making a firearm for use of Government agencies, peace officers and Federal officers.* The tax on the making of a firearm and the requirements as to use of a form declaring the intention to make a firearm are not applicable to any person making a firearm for the use of (a) the United States Government, any State, Territory, or possession of the United States, any political subdivision thereof, or the District of Columbia, or (b) any peace officer or any Federal officer designated in § 319.90. However, the person making such firearm shall notify the Commissioner in writing immediately thereafter giving a complete description of the firearm so made.

SUBPART E—TRANSFER TAX

§ 319.80 *Scope of tax.* Except as otherwise provided (see §§ 319.89 and 319.90), each transfer of a firearm in the United States is subject to tax to be represented by an adhesive stamp bearing the words "Firearms Act" to be affixed to the order for the firearm. (See §§ 319.83, 319.130, and 319.131.)

§ 319.81 *Rate of tax.* The transfer tax to be levied, collected, and paid with respect to all articles within the term "firearm" transferred in the United States is at the rate of $200 for each firearm, except that the rate of tax is $1 upon the transfer of any gun with two attached barrels, 12 inches or more but less than 18 inches in length (16 in the case of rifles of .22 caliber or less), from which only a single discharge can be made from either barrel without manual reloading, or any gun designed to be held in one hand when fired and having a barrel 12 inches or more but less than 18 inches in length (16 in the case of rifles of .22 caliber or less), from which only a single discharge can be made without manual reloading. In every case the tax shall be paid by the transferor.

§ 319.82 *Transfer tax in addition to import duty.* The transfer tax imposed by section 2720 (a), I. R. C. (26 U. S. C. 2720 (a)), is in addition to any import duty. (See § 319.107.)

ORDER FORM FOR TRANSFER OF FIREARMS

§ 319.83 *Written order required for transfer of firearm.* Except as otherwise provided, every person seeking to obtain a firearm must make an application in duplicate to the transferor on order Form 4 (Firearms). The application shall show (a) the name and address of the applicant, and, if the applicant is other than a natural person, the name and address of the principal officer or authorized representative thereof; (b) the place where the firearm will usually be kept; and (c) such additional information as may be required on Form 4 (Firearms). A "Firearms Act" stamp of the proper denomination (see § 319.81) must be affixed to the original order form, in the space provided therefor, and properly canceled (see § 319.88).

§ 319.84 *Identification of applicant.* If the applicant is an individual, he shall attach to each copy of the application an individual photograph of himself, taken within 90 days prior to the date of such application, and shall affix his fingerprints to such application. The fingerprints must be clear for accurate classification and should be taken by some one properly equipped to take them. The application must be supported by a certificate of the local chief of police, sheriff of the county, United States attorney, United States marshal, or such other person whose certificate may in a particular case be acceptable to the Commissioner, certifying that he is satisfied that the fingerprints and photograph appearing on the application are those of the applicant and that the firearm is intended by the applicant for lawful purposes.

§ 319.85 *Identification of firearm.* The transferor must furnish the information called for on the form relating to the serial number, model, trade name, and other marks identifying the firearm.

§ 319.86 *Requirements for approval of application.* The application for transfer, order Form 4 (Firearms), must be forwarded, in duplicate, by the transferor direct to the Commissioner of Internal Revenue, Washington, D. C. The Commissioner, if satisfied that the form has been correctly prepared, and that the original bears the required stamp, properly canceled, will approve it as to form, return the original to the transferor for delivery to the applicant, and will retain the duplicate. Upon receipt of the approved order form, the transferor may deliver the firearm to the applicant, together with the original order form with the "Firearms Act" stamp attached thereto.

§ 319.87 *Subsequent transfer of firearm.* Where a firearm transferred on or after July 26, 1934, is to be subsequently transferred, the new order form covering such proposed transfer must, when filed with the Commissioner, be accompanied by the previously approved order form for each prior transfer and by any declaration of intent to make a firearm, Form 1A (Firearms), previously filed with respect to the firearm transferred. Such order forms and any declaration of intent will be returned by the Commissioner with the latest order form to the transferor for delivery to the applicant.

§ 319.88 *Cancellation.* The person affixing a "Firearms Act" stamp shall cancel it by writing or stamping thereon, in ink, his initials, and the day, month, and year, or shall, by cutting with a machine or punch, affix his initials and the date as aforesaid, in such manner as to render it unfit for reuse. The cancellation shall not so deface the stamp as to prevent its denomination and genuineness from being readily determined.

(53 Stat. 201; 26 U. S. C. 1816)

EXEMPTION FROM USE OF ORDER FORMS

§ 319.89 *Special-tax payers.* The transfer tax and the requirements as to use of order forms (see § 319.83) are not applicable where importers, manufacturers, and dealers who have registered and paid special tax transfer to other manufacturers or dealers who have registered and paid special tax. However, such importers, manufacturers, and dealers must keep the records required by § 319.115, and make returns required by § 319.116. Before a tax-free transfer is made, the transferor must satisfy himself that the transferee is a registered special-tax payer. If not fully satisfied,

he should communicate with the Director of the collection district in which the transferee is located. Where tax-free transfers to unauthorized persons are made, tax and penal liability will be incurred.

§ 319.90 *Peace officers and Federal officers.* The following are hereby designated as officers entitled to receive firearms without order forms: Sheriffs, chiefs of police, commissioners of police, superintendents or other chief officers of State police units, including State highway patrols, and directors of public safety. Additional officers may be designated by the Commissioner from time to time as in his judgment seems proper. Order forms are not required for procurement of firearms by Federal law enforcement agencies.

§ 319.91 *Application for exemption.* Where a transfer is claimed to be exempt from tax under section 2721 (a), I. R. C. (26 U. S. C. 2721 (a)), an application for exemption must be immediately executed by the transferor in triplicate on Form 5 (Firearms), and the original forwarded to the Commissioner of Internal Revenue, Washington, D. C., the duplicate retained by the transferor, and the triplicate furnished to the transferee. The application must show the name and address of the transferor and transferee, a description of the firearm, the date of the transfer, the basis of the exemption claimed and any other evidence which the Commissioner may require.

§ 319.92 *Responsibility of transferor for exempt status of transferee.* Transfers under section 2721 (a), I. R. C. (26 U. S. C. 2721 (a)) may be made prior to forwarding Form 5 (Firearms) to the Commissioner. However, before a tax-free transfer is made, the transferor should satisfy himself of the exempt status of the transferee and the bona fides of the transaction. If not fully satisfied, he should communicate with the Commissioner and report all the circumstances and await the Commissioner's advice before making the transfer. If transfers to unauthorized persons, or transfers otherwise unwarranted, are made, tax and penal liability will be incurred.

SUBPART F—REGISTRATION AND IDENTIFICATION OF FIREARMS

§ 319.100 *Registration of firearm.* Every person in the United States possessing a firearm (a) not already registered, or (b) acquired by transfer, importation or making without conforming with the provisions of Subchapter B, Chapter 25 and Part VIII, Subchapter A, Chapter 27, of the Internal Revenue Code, as amended, (sections 2720–2734 and 3260–3266 I. R. C.; 26 U. S. C. 2720–2734; 3260–3266) if such provisions were applicable at the time of such transfer, importation or making, must register such firearm on Form 1 (Firearms), in duplicate, with the Director for the collection district in which such person resides. The duplicate form, after proper endorsement, will be returned to the registrant by the Director and the original forwarded to the Commissioner. The filing of Form 1A (Firearms) in respect to the making of a firearm, Form 2 (Firearms) in respect of newly manufactured firearms and Form 6 (Firearms) in respect of imported firearms shall be deemed to constitute registration of the firearms described in such forms. Where the transfer of a registered firearm is reported on Forms 3, 4 and 5 (Firearms) it will not be necessary for the transferee to register the firearm on Form 1 (Firearms).

§ 319.101 *Identification of firearms.* Each manufacturer and importer of a firearm shall identify it by stamping, or otherwise conspicuously placing or causing to be stamped or placed thereon, in a manner not susceptible of being readily obliterated or altered, the name and location of the manufacturer or importer, and the serial number, caliber, and model of the firearm. None of the data indicated may be omitted except with the approval of the Commissioner.

SUBPART G—IMPORTATION AND EXPORTATION [1]

IMPORTATION

§ 319.105 *Procedure.* The burden of proof is affirmatively on any person importing or bringing a firearm into the United States, Puerto Rico, or the Virgin Islands, to show to the satisfaction of the Secretary, prior to importation (see § 319.13), that the firearm is to be lawfully used and is unique or of a type unobtainable within the United States or such territory or possession. One desiring to import or bring a firearm into the United States, Puerto Rico, or the Virgin Islands shall file application in duplicate on Form 6 (Firearms) with the Commissioner of Internal Revenue. The application shall show the intended port or place of importation and describe the firearm intended for importation accurately and in detail, including, as far as practicable, the data indicated by § 319.101. The reasons for the proposed importation and the purposes for which the firearm is intended must be clearly shown. If uniqueness is claimed, it must be specifically indicated in what particulars the firearm is unique. If the application is based on alleged unobtainability, the differences between the desired firearm and other firearms of the same general character obtainable without importation must be clearly shown. The applicant will be notified of the approval or disapproval of the application. If it is approved, the certificate will be returned to the applicant to be filed with the collector of customs at the port of importation. Collectors of customs will not permit release of the firearm from customs custody, except for exportation, unless covered by an approved application.

§ 319.106 *Importation into territory or possession.* The importation of firearms into a territory or possession of the United States other than United States (as defined in § 319.31), Puerto Rico, or the Virgin Islands will be under the control of the governing authorities of such territory or possession. (See § 319.111.)

§ 319.107 *Tax on transfer of imported firearm.* Any person importing or bringing a firearm into the United States is subject to tax upon the subsequent transfer of such firearm, which tax is additional to any duty upon the importation of the firearm: Provided, however, an importer who has registered and paid special tax and has otherwise complied with the requirements of Chapter 25, Subchapter B, and Chapter 27, Subchapter A, Part VIII, I. R. C., as amended, (sections 2720–2734 and 3260–3266 I. R. C.; 26 U. S. C. 2720–2734; 3260–3266) and who transfers a firearm to a registered special-tax payer will not be required to pay transfer tax on such transfer.

EXPORTATION

§ 319.108 *Application for exemption from tax.* Any person desiring to export a firearm free of transfer tax must file with the Commissioner an application on Form 5 (Firearms), in duplicate, for exemption certificate. The application shall be supported by a certified copy of a written order or contract of sale or other evidence showing that the firearm is to be shipped to a foreign destination. Where it is desired that a transfer to the exporter shall be tax free, the transferor shall likewise file an application for a certificate of exemption supported by evidence that the transfer will start the firearm in course of exportation, (see § 319.10) except, however, that where such transferor and exporter are registered special-tax payers the transferor will not be required to file an application on Form 5 (Firearms).

§ 319.109 *Requirements for exemption from tax.* If the application is approved, the Commissioner will execute the exemption certificate and return the duplicate to the applicant. Shipment shall not be made without payment of transfer tax until the approved certificate is received. Issuance of the certificate will suspend assertion of tax liability for a period of six months from the date of issuance. Within this 6-month period the exporter shall furnish to the Commissioner satisfactory evidence of exportation consisting of (a) a copy of the export bill of lading, or (b) a certificate by the agent or representative of the export carrier showing actual exportation of the article, or (c) a certificate of mailing issued by the Post Office; and (d) a certificate of landing signed by a customs officer of the foreign country to which the article is exported, or (e) a sworn statement of the foreign consignee covering the receipt of the article, or (f) the return receipt, or a photostat copy thereof, signed by the addressee or his agent where the shipment was made by insured or registered parcel post. Issuance of exemption certificates and furnishing of the required evidence will relieve from liability the actual exporter (see § 319.11) and one selling to the exporter for export. Where satisfactory evidence of actual exportation is not

[1] Persons engaged in the business of importing or exporting firearms caliber .22 or larger are subject to the requirement of a license issued by the Secretary of State. Application for such license should be made to the Munitions Division, Department of State, Washinton 25, D. C., prior to importing or exporting firearms.

furnished within the stated period the tax will be assessed.

§ 319.110 *Refunds.* Where, after payment of tax by the manufacturer, a firearm is exported, a claim for refund may be submitted on Form 843. (See § 319.141.) If a manufacturer waives all claim for refund of tax paid on a firearm which is exported, refund may be made to the exporter. A claim for refund by an exporter of tax paid by a manufacturer should be accompanied by waiver of the manufacturer and proof of tax payment by the latter.

§ 319.111 *Insular possessions.* Transfers of fire arms to persons in the insular possessions (other than Hawaii) of the United States are exempt from transfer tax, provided title in cases involving change of title (and cutody or control, in cases not involving change of title), does not pass to the transferee or his agent in the United States. However, such exempt transactions must be covered by approved exemption certificates and supporting documents corresponding to those required in the case of firearms exported to foreign countries, except that the Commissioner may vary the requirements herein set forth in accordance with the requirements of the governing authority of the insular possession. Exemption certificates covering shipments to the insular possessions will not be approved without compliance with the requirements of the governing authorities thereof. In the case of a nontaxable transfer to a person in such insular possession, the exemption extends only to such transfer and not to prior transfers.

SUBPART H—RECORDS AND RETURNS

§ 319.115 *Records.* Every manufacturer, importer, and dealer (including pawnbroker) shall make and keep at his place of business a record showing (a) the manufacture, receipt, transfer, or other disposition of all firearms taxable under the Code, (b) the date of such manufacture, receipt, transfer, or disposition, (c) the number, model, and trade name or other mark identifying each firearm, and (d) the name and address of the person to whom any firearm is transferred, or otherwise conveyed. This record must be preserved for a period of at least four years from the date of disposition of the firearm, and be at all times readily accessible for inspection.

§ 319.116 *Returns.* Immediately upon the manufacture, receipt, transfer, or other disposition of any firearm every manufacturer, importer, dealer other than pawnbroker, and pawnbroker shall execute an accurate return on either Form 2 (Firearms) or Form 3 (Firearms), in duplicate, setting forth the information called for in § 319.115. All transactions occurring during a single day may be included in one return filed at the close of that business day. The original will be forwarded to the Commissioner, and the duplicate will be retained by the person making the return for a period of four years and be at all times readily accessible for inspection. Return forms will be supplied by Directors upon application.

SUBPART I—STOLEN OR LOST FIREARMS OR DOCUMENTS

§ 319.120 *Stolen or lost firearms.* Whenever any firearm is stolen or lost, the person losing possession thereof will, immediately upon discovery of such theft or loss, make a report to the Commissioner of Internal Revenue, Washington, D. C., showing the following: (a) Name and address of the person in whose name the firearm is registered, (b) kind of firearm, (c) serial number, (d) model, (e) caliber, (f) manufacturer of firearm, (g) date and place of theft or loss, and (h) complete statement of facts and circumstances surrounding such theft or loss.

§ 319.121 *Stolen or lost documents.* When any order form, declaration of intent to make a firearm, certificate of registry, exemption certificate, or other document evidencing possession of a firearm is stolen, lost, or destroyed, the person losing possession will immediately upon discovery of the theft, loss, or destruction report the matter to the Commissioner of Internal Revenue, Washington, D. C. The report will show in detail the circumstances of the theft, loss, or destruction and will include all known facts which may serve to identify the document. Upon receipt of the report, the Commissioner will make such investigation as appears appropriate and may issue a duplicate document upon such conditions as the circumstances warrant.

SUBPART J—EXAMINATION OF BOOKS AND RECORDS

§ 319.125 *Failure to make returns; substitute returns.* If any person required by this part to make returns shall fail or refuse to make any such return within the time prescribed by this part or designated by the Commissioner, then the return shall be made by an internal revenue officer upon inspection of the books, but the making of such return by an internal revenue officer shall not relieve the person from any default or penalty incurred by reason of failure to make such return.

(53 Stat. 437; 26 U. S. C. 3612)

§ 319.126 *Inspection of records.* Any officer designated by the Commissioner shall have authority to examine the books, papers, and records kept pursuant to these regulations, and may require the production of any books, records, papers or statements of account necessary to determine any liability to the tax or the observance of the provisions of this part.

(53 Stat. 438, 439; 26 U. S. C. 3614 and 3615)

§ 319.127 *Penalties (records and returns).* Any person failing to keep records or make returns is liable to fine and imprisonment as provided in section 2729, I. R. C. (26 U. S. C. 2729). Any person assisting in the preparation of fraudulent returns is liable to fine and imprisonment as provided in section 3793 (b) (1), I. R. C. (26 U. S. C. 3793).

SUBPART K—DISTRIBUTION AND SALE OF STAMPS

§ 319.130 *Orders for stamps.* Each order for stamps to be used under this part shall be made in writing to the Director or his duly authorized agent in the internal revenue collection district in which the stamps are to be used, showing the date of the order, the number of Firearms stamps applied for, and the name and address of the purchaser, and shall be signed in ink by the purchaser. The Director shall preserve the orders for stamps sold by him for at least four years.

§ 319.131 *Stamps authorized.*—One dollar and $200 adhesive stamps bearing the words "Firearms Act" have been prepared and distributed to Directors, and only such stamps shall be used for the payment of the transfer tax and for the tax on the making of a firearm.

§ 319.132 *Reuse of stamps prohibited.* A stamp once affixed to one instrument can not lawfully be removed and affixed to another.

(53 Stat. 203; 26 U. S. C. 1823)

SUBPART L—ASSESSMENT AND COLLECTION OF TAX

§ 319.135 *Assessment of taxes not paid by stamp.* In cases where the transfer tax has not been paid and the taxpayer refuses to execute Form 4 (Firearms) and affix the stamp, the transfer tax shall be reported for assessment. When an assessment is paid, a receipt on Form 1 will be issued. In those instances where stamps are purchased and affixed to the order, a receipt on Form 1 will not be issued. Special tax and the tax on the making of a firearm which the taxpayer refuses or fails to pay may likewise be reported for assessment.

SUBPART M—REDEMPTION OF OR ALLOWANCE FOR STAMPS OR REFUNDS

§ 319.140 *Procedure for redemption of or allowance for stamps.* Where a firearms stamp is destroyed, mutilated or rendered useless after purchase, and before liability has been incurred, such stamp may be redeemed by giving another stamp in lieu thereof or by refunding the amount or value thereof. In the event a declaration of intent to make a firearm, Form 1A (Firearms), or an order form for transfer of a firearm, Form 4 (Firearms), is executed and the appropriate stamp affixed, and thereafter the intent to make a firearm or the proposed transfer is abandoned and the firearm is not made or transferred, the taxpayer may redeem such stamp (section 3304, I. R. C.; 26 U. S. C. 3304). Claim for redemption of the stamp should be filed on Form 843 with the Director of internal revenue for his district. Such claim must be accompanied by the declaration of intent or the order form for transfer to which the stamp is affixed, or by a satisfactory explanation of the reason why the stamp cannot be returned, and must be filed within four years after the purchase of the stamp.

§ 319.141 *Refunds.* As indicated in this part, the transfer tax or tax on the making of a firearm is ordinarily paid by the purchase and affixing of stamps, while special tax stamps are issued in payment of special taxes. However, in exceptional cases, such taxes may be paid pursuant to assessment. (See

§ 319.135.) Claims for refund of amounts so paid must be presented to the Director on Form 843 within four years next after payment of the taxes.

(53 Stat. 464; 26 U. S. C. 3770)

Effective date. The regulations in this part shall be effective as of September 1, 1952.

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: August 22, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-9471; Filed, Aug. 27, 1952; 8:54 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 33]

GOR 33—ADJUSTMENTS FOR WHOLESALERS AND RETAILERS UNDER SECTION 402 (k) OF THE ACT

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this General Overriding Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 402 (k) of the Defense Production Act, the so-called Herlong Amendment, provides in part:

> No rule, regulation, order or amendment thereto shall be issued or remain in effect under this title, which shall deny sellers of materials at retail or wholesale their customary percentage margins over costs of the materials or their customary charges during the period May 24, 1950, to June 24, 1950, or on such other nearest representative date determined under section 402 (c), as shown by their records during such period, * * *

Previously this section was applicable only to regulations issued after July 31, 1951. That limitation has now been removed.

It is thus apparent that the intention of section 402 (k) as amended is that all sellers at wholesale and retail be given their customary margins or charges as soon as practicable. The words, "or other customary charges" formerly absent from this section, were added to make clear that where wholesalers and retailers of commodities have not customarily operated during the pre-Korean period on the basis of a percentage margin, OPS regulations must conform to the customary pricing practices of such sellers. See House Reports No. 2177 (Report from the Committee on Banking and Currency) and No. 2352 (Conference Report), 82d Cong., 2d Sess. The hearings before the Senate Committee on Banking and Currency on the 1952 amendments disclosed that the margins under most ceiling price regulations, even those issued prior to the passage of section 402 (k), already conform with the margin requirements of that section (see Senate Report No. 1599, 82d Cong., 2d Sess.).

It is recognized that the number of trade groups and products covered by the section is so large, and the facts with respect to them so diverse and complex, that it is possible that the Director may not be in possession of all relevant data in each industry affected by the amendment. Sellers who believe that a regulation does not comply with the amendment are required to show from their records that the appropriate margins or charges have not actually been allowed. This general overriding regulation is being issued to provide a procedure by which any retailer or wholesaler may apply for an adjustment of the ceiling prices for his industry to bring them into conformity with the amendment.

Consistent with the intention of Congress in adopting the Herlong Amendment, this regulation does not provide for adjustments for individual sellers or products but rather for groups of sellers comprising an industry or for groups of products sold by an industry. It sets forth general standards for use in determining industry or trade groupings, and explanations of allowable "customary margins or charges" and of the "cost of commodities" upon which those margins or charges may be taken.

In addition it sets forth in general terms what information must be submitted in an application under the regulation. In some cases it may be necessary to obtain information in addition to that specified in the regulation in order to apply properly the standards established by the act to a particular industry. The nature of this additional information will vary with the special problems of the industry involved. In view of this fact, the regulation specifically provides that the Director may request additional information. If it is shown that the industry for which the application is filed realized a customary margin or charge in a representative pre-Korean period, and the ceiling prices established for that industry do not permit it to realize this customary margin or charge, ceiling prices will be established for that industry which reflect that customary margin or charge. A customary margin or charge must be evidenced by a pattern of cost-price relationships over a period of time.

The wide coverage of this regulation and special circumstances attending its formulation have made it impracticable to consult with industry representatives, including trade association representatives.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.

1. What this regulation does.
2. Eligibility to apply.
3. Industry; customary margin or charge; cost of commodities.
4. Information to be submitted.
5. What action may be taken on your application.
6. Geographical applicability.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this regulation does.* (a) This regulation provides a procedure under which retailers and wholesalers may apply for an adjustment of the ceiling prices of their industry established under any regulation which they believe fails to comply with section 402 (k) of the act. In addition, this regulation sets out the general basis on which applications will be granted or denied.

(b) This regulation does not provide for adjustments for individual retailers or wholesalers. An adjustment will be granted under this regulation only if it appears that the industry of which the applicant is a member is denied the margins or charges provided in section 402 (k) of the act. Moreover, this regulation does not apply to any specific commodity which is in short supply as evidenced by specific government action to encourage production of the commodity and as to which the customary margins of retailers or wholesalers have been reduced to the extent found by OPS in writing to be generally equitable and proportionate in relation to the general reductions in the customary margins of all other classes of persons concerned in the production and distribution of the commodity.

SEC. 2. *Eligibility to apply.* (a) If you are a retailer or wholesaler, you may apply for an adjustment of the ceiling prices of your industry if you believe that those prices do not reflect the industry's customary margins or charges during the period May 24, 1950 to June 24, 1950, or other representative period determined in accordance with section 4 (d). If more than one retailer or wholesaler in the same industry files an application under this regulation, the Director may, if he deems it appropriate, consolidate the applications.

(b) For the purposes of this regulation a person is a retailer or a wholesaler to the extent that he purchases and resells a commodity without substantially altering its form or to the extent that he sells commodities to ultimate consumers other than (1) government and institutional consumers and (2) consumers who purchase for consumption in the course of trade or business.

(c) General standards for determining industry or trade groupings and an explanation of the term "customary margin or charge" are set forth in section 3.

SEC. 3. *Industry; customary margin or charge; cost of commodities*—(a) *Industry.* This regulation is intended to permit the filing of an application to maintain a customary margin or charge for groups of sellers constituting an industry or for groups of products sold by an industry rather than for any individual seller or any individual product.

Example 1. An individual seller of a particular commodity used a percentage margin of 40 percent during May-June, 1950. Practically all other sellers of this commodity customarily used a 30 percent markup during

this period. The individual seller is not entitled to relief under this regulation if his ceiling prices of the commodity show a markup of 30 percent.

For purposes of this regulation, the Director will use the following as a guide to determining industry or trade groupings:

An industry is a group of wholesalers or retailers with certain common characteristics which set them off from the rest of the distributive trades. These common characteristics relate to the commodities—and the assortment of commodities—which they sell. Sellers of the same commodity may be subdivided into several groups, each of which is an industry, depending, for example, on the marketing methods which each group uses. When an adjustment is determined to be required under this regulation the definition of the industry will have to be developed in terms of commodities as well as firms. It is recognized that the typical industry includes both single line and multiple line resellers, and that multi-product resellers may differ among themselves as to the variety of their commodities and the manner in which their operations overlap with different groups of single-line resellers. It will be necessary in many cases to regard a multi-product reseller as being part of two or more industries, e. g., a grocery market selling household appliances or nylon hose may be both in the retail grocery industry and in the retail consumer goods industry.

The preceding statement is intended only as a basic guide and it is recognized it may not be suitable for all cases. You may, therefore, in your application suggest another basis for grouping. If you do so, you must state the reasons why that basis should be used.

(b) *Customary margin or charge.* The customary margin or charge is one which was actually used by resellers generally in determining selling prices and is not a nominal or fictitious margin or charge used to establish prices which few buyers actually paid.

Example 1. During the base period distributors customarily listed a price representing a 40-percent markup over the costs of certain goods. However, they made all sales at a so-called "discount" from the listed price, the actual sales price at which the goods were first offered representing a 30-percent markup over cost. The customary margin is 30 percent.

Example 2. In July, 1947, the net invoice cost of Commodity A to retailers was 40 cents; in October, 1948, it was 42 cents; in January, 1949, it was 44 cents; and in May–June 1950 it was 42 cents. Retailers' prices for Commodity A generally were, in July, 1947, 80 cents; in October, 1948, 84 cents; in January, 1949, 88 cents; and in May–June 1950, 84 cents. There appears to have been a customary percentage margin of 100 percent.

Example 3. In July, 1947, the net invoice cost of Commodity B to retailers was 50 cents; in October, 1948, it was 53 cents; in January, 1949, it was 52 cents; and in May–June 1950 it was 55 cents. Retailers' prices for Commodity B were in July, 1947, $1.00; in October, 1948, $1.03; in January, 1949, $1.02; and in May–June, 1950, $1.05. There appears to have been a customary margin of 50 cents.

(c) *Cost of commodities.* (1) Ordinarily the cost of commodities over which a customary margin will be allowed is the net invoice cost of the commodities to the reseller. If, however, it has been customary in the applicant's industry to treat other costs of acquisition as costs of the commodities on which the customary margin was taken, those additional acquisition costs may be regarded by the applicant as part of the costs of the commodities.

(2) Net invoice cost refers to invoice cost less all discounts which could have been taken.

SEC. 4. *Information to be submitted.* If you wish to apply for an adjustment for your industry under this regulation you must file an application with the Office of Price Stabilization, Washington 25, D. C. The application must be signed by you and include the following:

(a) The name and address of the principal office of the applicant.

(b) An identification of the ceiling price regulations fixing the ceiling prices involved in your application; a description of the commodities and types of operations of the sellers of the industry for which adjustment is sought; and a statement that the applicant is a retailer or wholesaler of the industry in question subject to the regulations.

(c) (1) A statement that sellers in your industry had a customary margin or charge over costs of the commodities covered by the application, during the period May 24, 1950, to June 24, 1950 or other representative period determined in accordance with paragraph (d) of this section, and what that margin or charge was. Your application must be supported by records of costs and prices of the commodities involved. These records may include invoices, sales slips, price lists, catalogues, or other records in your possession. You may also submit available published data, reports, etc., from any sources relating to your industry for consideration by OPS. You must further submit evidence showing that the margins actually in effect during the representative period were customary and not peculiar to that period. This must include costs and prices for your industry for the period May 24–June 24, 1950 and for at least two representative months prior to May 1950.

(2) For the meaning of the term "cost of commodities" see section 3 (c). If you count as part of the cost of the commodity anything other than net invoice cost as defined in section 3 (c), you must give evidence that this is in accordance with the established practice of your industry.

(d) (1) A statement as to whether the period May 24–June 24, 1950 is representative of normal operations of the sellers affected by the ceiling prices involved in the application. If you do not consider that period representative, include facts to support such belief, and you must name an earlier period of not less than one month which you consider to be more representative with supporting facts.

(2) In case there are several periods which you consider more representative than the period May 24–June 24, 1950, you must name the one nearest to the latter period.

(e) A statement of the current margins or charges permitted your industry by the regulation in question for the commodities covered by the application.

SEC. 5. *What action may be taken on your application.* (a) In some cases you may be able to present sufficient evidence to enable the Director to make a final determination whether the ceiling prices of your industry need to be adjusted to bring them into conformity with the provisions of section 402 (k). If you have not furnished the kind of information needed with respect to your industry grouping, but the evidence you present is sufficient to indicate that there is a reasonable doubt whether the ceiling prices which you seek to have adjusted meet the requirements of section 402 (k), OPS will undertake to obtain evidence which will be adequate to provide a factual basis for the Director to decide on the disposition of your application. The Director may request further information or evidence from the applicant.

(b) In any event, when the Director has determined whether or not the ceiling prices of your industry should be adjusted, he will issue an order granting or denying your application, in whole or in part.

SEC. 6. *Geographical applicability.* The provisions of this General Overriding Regulation are applicable in the United States, its Territories and possessions and the District of Columbia.

Effective date. This regulation is effective August 27, 1952.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director
of Price Stabilization.

AUGUST 27, 1952.

[F. R. Doc. 52-9531; Filed, Aug. 27, 1952; 10:55 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[General Salary Stabilization Regulation 1, Amended]

GSSR 1—STABILIZATION AND GENERAL ADJUSTMENTS OF SALARIES AND OTHER COMPENSATION

EDITORIAL NOTE: Federal Register Document 52-9223, appearing at page 7539 of the issue for Tuesday, August 19, 1952, has been corrected in the following respect:

In the ninth line of section 52 (e), the word "on" now reads "no."

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-46, Direction 4 of August 27, 1952]

M-46—PRIORITIES ASSISTANCE FOR THE PETROLEUM AND GAS INDUSTRIES IN THE UNITED STATES AND CANADA

DIR. 4—THIRD QUARTER AUTHORIZED CONTROLLED MATERIAL ORDERS FOR OIL COUNTRY TUBULAR GOODS

This direction is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

Sec.
1. What this direction does.
2. The direction.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to permit the placement and acceptance of certain third quarter 1952 authorized controlled material orders for oil country tubular goods, even though they call for delivery after the end of the quarter.

SEC. 2. *The direction.* Notwithstanding the provisions of any other NPA order or regulation, an authorized controlled material order for oil country tubular goods placed pursuant to an allotment for the third calendar quarter of 1952 may call for delivery at any time up to December 31, 1952: *Provided, however,* That such order is placed pursuant to lead time requirements.

This direction shall take effect August 27, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-9545; Filed, Aug. 27, 1952; 11:40 a. m.]

[NPA Order M-46A, Direction 2 of August 27, 1952]

M-46A—PRIORITY ASSISTANCE FOR FOREIGN PETROLEUM OPERATIONS

DIR. 2—THIRD QUARTER AUTHORIZED CONTROLLED MATERIAL ORDERS FOR OIL COUNTRY TUBULAR GOODS

This direction is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

Sec.
1. What this direction does.
2. The direction.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to permit the placement and acceptance of certain third quarter 1952 authorized controlled material orders for oil country tubular goods, even though they call for delivery after the end of the quarter.

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This direction shall take effect August 27, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-9546; Filed, Aug. 27, 1952; 11:40 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 72 to Schedule A]

[Rent Regulation 2, Amdt. 70 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CALIFORNIA AND OKLAHOMA

Effective August 28, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 25th day of August 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Schedule A, Item 33a, is amended to read as follows:

(33a) [Revoked and decontrolled.]

This decontrols the Monterey Bay, California, Defense-Rental Area on the initiative of the Director of Rent Stabilization under section 204 (c) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 246, is amended to read as follows:

(246) [Revoked and decontrolled.]

This decontrols: (a) The City of Lawton in Comanche County, Oklahoma, a portion of the Lawton, Oklahoma, Defense-Rental Area, based on a resolution submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended; (b) all unincorporated localities in said defense-rental area, said City of Lawton being the major portion of the defense-rental area, under section 204 (j) (3) of the act, and (c) all incorporated localities, other than said City of Lawton, in the defense-rental area, on the initiative of the Director of Rent Stabilization under section 204 (c) of the act.

[F. R. Doc. 52-9465; Filed, Aug. 27, 1952; 8:52 a. m.]

[Rent Regulation 3, Amdt. 79 to Schedule A]

[Rent Regulation 4, Amdt. 23 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CALIFORNIA AND OKLAHOMA

Effective August 28, 1952, Rent Regulation 3 and Rent Regulation 4 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 25th day of August 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Schedule A, Item 33a, is amended to read as follows:

(33a) [Revoked and decontrolled.]

This decontrols the Monterey Bay, California, Defense-Rental Area on the initiative of the Director of Rent Stabilization under section 204 (c) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 246, is amended to read as follows:

(246) [Revoked and decontrolled.]

This decontrols: (a) The City of Lawton in Comanche County, Oklahoma, a portion of the Lawton, Oklahoma, Defense-Rental Area, based on a resolution submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended; (b) all unincorporated localities in said defense-rental area, said City of Lawton being the major portion of the defense-rental area, under section 204 (j) (3) of the act, and (c) all incorporated localities, other than said City of Lawton, in the defense-rental area, on the initiative of the Director of Rent Stabilization under section 204 (c) of the act.

[F. R. Doc. 52-9466; Filed, Aug. 27, 1952; 8:52 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

APPLICATION FOR BENEFITS; ADJUSTMENT OF AWARD OF VETERAN UPON TERMINATION OF INSTITUTIONALIZATION

1. In § 3.26, paragraph (a) is amended to read as follows:

§ 3.26 *Application for benefits.* (a) A properly completed and executed VA Form 8-526 or VA Form 8-526a, upon

receipt by the Veterans' Administration, constitutes an application for benefits indicated below and will be adjudicated under the applicable laws:

VA Form 8-526, Veteran's Application for Compensation or Pension: VA Form 8-526 is designed as an application for either compensation or pension, or both. It constitutes a formal claim for both benefits, and it is not necessary that the veteran subsequently file a separate claim for either. It is not required that the claim be processed or adjudicated for compensation and pension routinely and in all instances. Depending upon the manner of execution, that is, the items of information recorded on the form, it should be readily apparent whether the veteran is claiming either compensation or pension, or both benefits. If items 23, 24, and 25 are used, item 36 checked "No," and items 37 through 49 not used, the claim is for compensation and will be so adjudicated. If items 23, 24, and 25 are used, item 36 checked "Yes," and items 37 through 45 are used, the claim is also only for compensation but with an allegation of total disability. However, all disabilities, both service connected and non-service connected will be evaluated and the greater benefit awarded. If items 23, 24, and 25 are used, item 36 checked "Yes," and items 37 through 49 used, the claim is for both compensation and pension. If items 23, 24, and 25 are not used, item 36 is checked "Yes," and items 37 through 49 used, the claim is for pension.

VA Form 8-526a, Application for Compensation Under section 31, Public No. 141, 73d Congress, section 12, Public No. 866, 76th Congress, and section 2, paragraph 4, Public Law 16, 78th Congress.

Under Executive Order 6017, February 7, 1933, and section 1500, Public Law 346, 78th Congress, as amended, diplomatic and consular officers of the Department of State are authorized to act as agents of the Veterans' Administration, and therefore a formal claim filed in a foreign country will be considered as filed in the Veterans' Administration as of the date of receipt by the State Department representative.

* * * * *

2. In § 3.256, paragraph (b) is amended to read as follows:

§ 3.256 *Adjustment of award of veteran upon termination of institutionalization by the Veterans' Administration.* * * *

(b) While a veteran is on trial visit or other temporary absence from an institution where he is being maintained at Veterans' Administration expense, no adjustment of his award by reason thereof will be made for any period of less than 30 days, inclusive of the day on which he left the institution. A veteran, if otherwise entitled thereto, should be paid additional compensation or increased compensation or pension for aid and attendance except for such periods as he received aid and attendance in kind at the expense of the Veterans' Administration, even though the trial visit or other temporary absence is less than 30 days. However, such adjustments will not be accomplished until after the veteran's discharge from institutionalization or until he is granted furlough, trial visit, or temporary absence of 30 days or more. If such temporary absence is for a period of 30 days or more, the award to or on behalf of the veteran will be adjusted in accordance with the last valid rating, if otherwise in order, effective as of the day the veteran departs. However, a furlough, trial visit, or other temporary absence for a period of 30 days or more is not tantamount to a discharge within the purview of paragraph (a) (1) of this section, and the veteran may not be awarded the moneys withheld under § 3.255 (a) in a lump sum when he leaves the institution on such a temporary absence. Upon return from such a temporary absence the veteran's award shall be immediately reduced to the institutional rate, if otherwise in order. If the veteran is discharged without returning to the institution, the award will be adjusted in accordance with paragraph (a) of this section. The report of such absence will be made to the office having custody of the claims folder, in accordance with effective procedure.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation effective August 28, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-9475; Filed, Aug. 27, 1952; 8:55 a. m.]

PART 3—VETERANS CLAIMS

CONDITIONS WHICH DETERMINE DEPENDENCY

Section 3.57 is revised to read as follows:

§ 3.57 *Conditions which determine dependency*—(a) *Definitions.* Dependency will be held to exist if the father or mother of the veteran does not have an income sufficient to provide reasonable maintenance for such father or mother and members of his or her family under legal age and for dependent adult members of the family if the dependency of such adult member results from mental or physical incapacity. "Reasonable maintenance" includes not only housing, food, clothing, and medical care sufficient to sustain life, but such items beyond the bare necessities, and as well as other requirements reasonably necessary to provide those conveniences and comforts of living suitable to and consistent with the parents' reasonable mode of life. "Members of the family" will be considered to mean those persons, including relatives in the ascending as well as descending class, whom the father or mother is under moral or legal obligation to support.

(b) *Sources of income.* (1) In determining the amount of income, consideration will be given to (i) net income from property owned, or business operated, by the mother or father; (ii) earnings of the mother or father and other members of their family under legal age; (iii) actual contributions of any character to the family expenses by the adult members; (iv) so-called social security benefits, i. e., old age assistance and old age and survivors' insurance; (v) family allowances received pursuant to Public Law 351, 81st Congress, as amended.

(2) In determining whether other members of the family under legal age are factors in necessary expenses of the mother or father, consideration will be given to any income from business or property (including trusts) actually available, directly or indirectly, to the mother or father for the support of the minor but not to the corpus of the estate or the income of the minor which is not so available.

(3) In determining dependency, amounts received from the following named sources, by the father or mother or other member of the family, will be disregarded, viz, (i) as designated beneficiary or otherwise of any insurance under the War Risk Insurance Act, the World War Veterans' Act, 1924, as amended, or the National Service Life Insurance Act, or any amendments to either; (ii) any pension or compensation under laws administered by the Veterans' Administration; (iii) benefits under the World War Adjusted Compensation Act or the Adjusted Compensation Payment Act, or any amendments to either; (iv) the 6-month pay made to the designated beneficiary thereof pursuant to 10 U. S. C. 903, 903 (a), and 456; 34 U. S. C. 943, 944, and 855c-2; (v) payments pursuant to Mustering-Out Payment Act, 1944, Public Law 225, 78th Congress; (vi) donations or assistance from charitable sources; (vii) payments of Servicemen's Indemnity under Public Law 23, 82d Congress.

(4) In addition to considering income of a father or mother, consideration will be given to the corpus of such claimant's estate if under all the circumstances it is reasonable that the same or some part thereof be sold and the proceeds consumed for the claimant's maintenance.

(c) *Contributions by veteran.* The fact that the veteran has made habitual contributions to his father or mother, or both, is not conclusive evidence that dependency existed but shall be considered in connection with all other evidence.

(d) *Remarriage of parent.* The remarriage of a mother or father does not, per se, bar entitlement but is prima facie evidence that dependency has ceased. See § 4.62 of this chapter.

(e) *Prima facie dependency.* (1) In the absence of evidence indicating the contrary, dependency will be held to exist when the monthly income from sources proper to consider does not exceed:

(i) $105 for a mother or father (not living together).

(ii) $175 for a mother and father (living together).

(iii) The amounts stated in subdivision (i) or (ii) of this subparagraph plus $45 for each additional member of the family whose support is to be considered under the criteria indicated in paragraphs (a) and (b) of this section.

It must be definitely understood that the amounts stated are not controlling in any case but are to be used only as prima facie evidence. Each claim is subject to adjudication upon the facts thereof in the light of the governing legal principles

summarized in this section. The monetary guides in this paragraph are not for application in a foreign country.

(Sec. 5, Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation effective August 28, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-9476; Filed, Aug. 27, 1952; 8:55 a. m.]

PART 3—VETERANS CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 3.1062, paragraph (b) is amended to read as follows:

§ 3.1062 *General Law rates.* * * *

(b) *Disability not specified or fixed by or pursuant to law.* Disability resulting from disease or injury not covered by the foregoing table will be evaluated on the basis of the average impairment of earning capacity, in accordance with the following table of rates:

	Rates under the "General Law" as amended and re-enacted by Pub. No. 269, 74th Cong.	Rates under Pub. Law 469, 78th Cong.	Rates under Pub. Law 356, 82d Cong. effective from July 1, 1952	Adjusted rates under the "General Law" as amended and reenacted by Pub. No. 141, 73d Cong. not applicable after Aug. 12, 1935
No percent	0			0
10 percent	$6	$6.90	$7.24	$6.00
15 percent	8	9.20	9.66	6.00
20 percent or more, but less than 25 percent	10	11.50	12.07	7.50
25 percent or more, but less than 35 percent	12	13.80	14.49	9.00
35 percent or more, but less than 50 percent	14	16.10	16.90	10.50
50 percent or more, but less than 75 percent	17	19.55	22.48	12.75
75 percent or more, but less than total	24	27.60	31.74	18.00
Total (100 percent)	30	34.50	39.67	22.50

The General Law rates are not increased by Public Law 659, 79th Congress.

(R. S. 4692, 4693, as amended, 4695, as amended, 4696, sec. 30, 48 Stat. 525, sec. 1, 49 Stat. 614, 58 Stat. 797, Pub. Law 356, 82d Cong.; 38 U. S. C. 151–154, 367, 368, 471a–2)

2. In § 3.1063, a new paragraph (c) is added as follows:

§ 3.1063 *Combination.* * * *

(c) When a combination of rates produces a result of under 50 per centum, payment shall be increased by 5 per centum. When the combination results in a rate of 50 per centum or over, the payment shall be increased by 15 per centum.

3. In § 3.1108, paragraph (a) is amended to read as follows:

§ 3.1108 *Rates of pension: Spanish-American War, Philippine Insurrection and/or Boxer Rebellion.* (a) Service pension is payable at rates as follows:

NOTE: The references to (1), (2), (3), and (4) in the table refer to subparagraphs (1), (2), (3), and (4) in this paragraph.

Item	Act of June 5, 1920, 90 days' service (1)	Act of May 1, 1926, 90 days' service or disability discharge (2)	Act of June 2, 1930, 90 days' service or disability discharge (3)	Act of June 2, 1930, 70 days' service	Act of May 24, 1938, 90 days' service or disability discharge (4)	Act of Mar. 1, 1944, 90 days' service or disability discharge	Act of Aug. 4, 1951, effective from Oct. 1, 1951, to June 30, 1952, service of—		Act of May 23, 1952, effective from July 1, 1952, service of—	
							70 days	90 days	70 days	90 days
Disability:										
⅓o—a	$12.00	$20.00	$20.00	$12.00						
b	14.40	24.00	24.00	14.40						
c	17.28	28.80	28.80	17.28						
¼—a	15.00	25.00	25.00	15.00						
b	18.00	30.00	30.00	18.00						
c	21.60	36.00	36.00	21.60						
⅓—a	18.00	30.00	35.00	18.00						
b	21.60	36.00	42.00	21.60						
c	25.92	43.20	50.40	25.92						
Disability—Con.										
¾—a	$24.00	$40.00	$50.00	$24.00						
b	28.80	48.00	60.00	28.80						
c	34.56	57.60	72.00	34.56						
Total—a	30.00	50.00	(3) 60.00	30.00		(3) $75.00				
b	36.00	60.00		50.00			$60.00	$90.00	$64.50	$96.75
c	43.20	72.00		60.00		(3) 90.00				
Regular aid and attendance, helplessness, or blindness:										
a		72.00	(4) 72.00	50.00	(4)$100.00					
b		86.40	(4) 86.40	65.00			78.00	120.00	83.85	129.00
c		103.68	(4) 103.68	78.00	(4) 120.00					
Age:										
62—a	12.00	20.00	30.00	12.00						
b	14.40	24.00	36.00	14.40						
c	17.28	28.80	43.20	17.28						
65—a					(4) 60.00	(4) 75.00				
b				50.00						
c				60.00		(4) 90.00				
65—a	18.00	30.00	(4) 40.00	18.00						
b	21.60	36.00	(4) 48.00	50.00						
c	25.92	43.20	(4) 57.60	60.00						
72—a	24.00	40.00	(4) 50.00	24.00						
b	28.80	48.00	(4) 60.00	50.00						
c	34.56	57.60	(4) 72.00	60.00						
75—a	30.00	50.00	(3) 60.00	30.00		(3) 75.00				
b	36.00	60.00		50.00						
c	43.20	72.00		60.00		(3) 90.00				

a=Rates prior to Sept. 1, 1946.
b=Rates from Sept. 1, 1946, Pub. Law 611, 79th Cong.
c=Rates from Sept. 1, 1947, Pub. Law 270, 80th Cong. to Sept. 30, 1951.

NOTE: The foregoing rates are subject to the provisions of § 3.255. Where a veteran is furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration and is furnished nursing or attendant's service, for conditions other than blindness, the award of pension will be the amount authorized by the rating decision or attainment of beneficial age, or rate applicable under Pub. Law 108, 82d Cong., from Oct. 1, 1951, to June 30, 1952, or the rate applicable under Pub. Law 356, 82d Cong., from July 1, 1952, exclusive of any additional amount on account of the need of regular aid and attendance. This reduced rate of pension in such instances will be effective as of the beginning of the maintenance of the disabled veteran by the Veterans' Administration. The full rate for regular aid and attendance will be restored if otherwise in order upon the termination of the veterans hospital treatment or domiciliary care or his furlough, trial visit, or temporary leave of absence of 30 days or more. The award will include the full rate for those days when service in kind for the regular aid and attendance was not furnished due to the veteran's absence from the institution.

* * * * *

(Sec. 1, 41 Stat. 982, sec. 1, 44 Stat. 382, as amended, secs. 1, 3, 4, 46 Stat. 492, as amended, 493 as amended, sec. 1, 52 Stat. 440, sec. 1, 60 Stat. 863, sec. 1, 61 Stat. 610, Pub. Laws 108 and 356, 82d Cong.; 38 U. S. C. 351, 352, 364, 365, 365b, 365c, 370, 370e, 370f)

4. Section 3.1110 is revised to read as follows:

§ 3.1110 *Rates of pension: Indian Wars.* Pension is payable at rates as follows:

Item	Rates on and after Sept. 1, 1937		Rates from date of claim filed on or after Mar. 3, 1944		Act of May 23, 1952
	To Feb. 29, 1948	From Mar. 1, 1948	To Feb. 29, 1948	From Mar. 1, 1948	From July 1, 1952
Degree of disability:					
⅓o	$20.00	$24.00	$20.00	$24.00	
¼	25.00	30.00	25.00	30.00	
⅓	35.00	42.00	35.00	42.00	
¾	45.00	54.00	50.00	60.00	
Total	55.00	66.00	60.00	72.00	$96.75

Regular aid and attendance, helplessness, or blindness	$72.00	$86.40	$100.00	$120.00	$129.00
Age:					
62	$25.00	$30.00	$30.00	$36.00	
65			60.00	72.00	
68	35.00	42.00			
72	45.00	54.00			
75	55.00	66.00			

NOTE: The foregoing rates are subject to the provision that the rate for blindness may be allowed, but that the rate for regular aid and attendance may not be allowed while the veteran is being maintained by the Veterans' Administration and to the provisions of § 3.255.

(62 Stat. 4, sec. 1, 44 Stat. 1361, as amended, 50 Stat. 786, as amended; Public Law 356, 82d Cong.; 38 U. S. C. 374a, 381, 381–1)

5. Section 3.1112 is revised to read as follows:

§ 3.1112 *Rates of pension: Civil War.* (a) Pension is payable at rates as follows:

Minimum rate		Helplessness or blindness, or so nearly helpless or blind as to require the regular aid and attendance of another person	
$75.00	a	$100.00	
90.00	b	120.00	
96.75	c	129.00	

a=Rates prior to Sept. 1, 1947.
b=Rates from Sept. 1, 1947, Pub. Law 270, 80th Cong.
c=Rates from July 1, 1952, Pub. Law 356, 82d Cong.

NOTE: The foregoing rates are subject to the provision that the rate for blindness may be allowed, but that the rate for regular aid and attendance may not be allowed while the veteran is being maintained by the Veterans' Administration and to the provisions of § 3.255.

(b) The rate for Army nurses, under the act of August 5, 1892, as amended by the act of July 3, 1926, is $50 monthly to September 1, 1947, $60 monthly from September 1, 1947, and $64.50 from July 1, 1952.

(Secs. 1, 2, 46 Stat. 529, sec. 2, 61 Stat. 610, sec. 1, 27 Stat. 348, Pub. Law 356, 82d Cong.; 38 U. S. C. 274, 275, 276, 311)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation effective August 28, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-9477; Filed, Aug. 27, 1952; 8:56 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—EDUCATION AND TRAINING

MISCELLANEOUS AMENDMENTS

1. Section 21.236b is revised to read as follows:

§ 21.236b *Furnishing supplies to trainees in institutional on-farm training.* Before a veteran may be inducted into institutional on-farm training under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), the farm on which he is to pursue the on-farm part of his course must be equipped with the kinds and amounts of supplies and equipment which are necessary to enable the trainee to pursue successfully that portion of the course. Accordingly, under no circumstances will the Veterans' Administration furnish any equipment or supplies which may be required to operate the farm. The Veterans' Administration will furnish only those books and incidental consumable supplies required by the school to be personally owned by all students in the school portion of the course: *Provided,* That such special equipment as may be authorized under § 21.241 (b) incident to the character of the veteran's disability may be furnished.

2. In § 21.243, paragraphs (b), (d), and (g) are amended to read as follows:

§ 21.243 *Release of and repayment for training supplies.* * * *

(b) Pursuant to the authority given to the Administrator in the first proviso of section 4, Public Law 16, 78th Congress, as amended, a veteran will not be required to repay for consumable supplies where he fails to complete his course of vocational rehabilitation. Nor will the veteran be required to repay for nonconsumable supplies unless it be determined that his failure was because of fault on his part. In making such determination, the veteran will be given the benefit of any reasonable doubt.

* * * * *

(d) In cases which are found to be meritorious as defined in paragraph (f) of this section, even though the veteran is found to be at fault, the veteran will not be required to repay the Veterans' Administration for supplies furnished him at Veterans' Administration expense. Nor will a veteran be required to repay the Veterans' Administration for supplies furnished him at Veterans' Administration expense where the veteran was pursuing his course at a school which recovers nonconsumable supplies from veterans through contractual arrangement with the Veterans' Administration and the veteran returned to the school all the nonconsumable supplies furnished him at Veterans' Administration expense.

* * * * *

(g) Where it is determined that the veteran is at fault and repayment for supplies is not excused under paragraphs (d) and (f) of this section, the veteran will be required to repay the Veterans' Administration for the nonconsumable supplies furnished him at Veterans' Administration expense. The amount to be repaid will be the value at which the supplies were issued to the veteran less a percentage equivalent to the percentage of the prescribed course (or term, where applicable in the case of school training) completed. For example, a veteran who has completed one-third of the prescribed course or term for which supplies were furnished will be required to repay two-thirds of the value at which the supplies were issued to the veteran. Under no circumstances will supplies be accepted in lieu of repayment, except as provided in §§ 21.241 (g), 21.252 (d), and paragraph (d) of this section.

* * * * *

3. Section 21.247 is revised to read as follows:

§ 21.247 *Records of supervision.* The recorded facts concerning the training situation as determined through supervision of the trainee by the training officer are the chief basis upon which the Veterans' Administration judges the progress of the trainee and determines that the training situation of each trainee is satisfactory or that adjustment of the training situation is necessary to meet the needs of the individual veteran. The recorded facts are also the basis upon which the chief of the section can evaluate the performance of the individual training officer and thus be enabled to determine the efficiency of the Veterans' Administration service in administering the affairs of the individual trainee. Records of supervision must be used to improve the program in each individual case and also the vocational rehabilitation program as a whole. They must be studied and acted upon with a view to making the work of the training officer and the entire education and training section more effective.

4. In § 21.252, paragraph (d) is amended to read as follows:

§ 21.252 *Change of employment objective.* * * *

(d) Where a change of employment objective is authorized in accord with paragraph (a) of this section the veteran will be required to return or repay for nonconsumable supplies furnished at Veterans' Administration expense for the previous employment objective which are not required for pursuit of training for the new objective.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation effective August 29, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-9478; Filed, Aug. 27, 1952; 8:56 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Federal Security Agency

PART 105—FINANCIAL ASSISTANCE FOR CURRENT EXPENDITURES FOR PUBLIC SCHOOLS IN AREAS AFFECTED BY FEDERAL ACTIVITIES

FISCAL YEAR APPROPRIATIONS; DEADLINE FOR APPLICATIONS AND PAYMENTS

Part 105 (16 F. R. 5901, amended in 17 F. R. 347 and 1943) is further amended by the addition of §§ 105.9, 105.10 and 105.25, as follows:

§ 105.9 *Deadline for applications for payments from funds appropriated for the fiscal year 1953 and thereafter.* March 31 of each fiscal year is hereby fixed as the date on or before which all applications for payments out of funds appropriated for such fiscal year shall be received by the Commissioner.

§ 105.10 *Applications received after deadline not considered for payment.* Applications received by the Commissioner after March 31 of a fiscal year will not be considered for payment from funds appropriated for such fiscal year.

§ 105.25 *Payments from fiscal year appropriations.* As prescribed by section 5 (c), 64 Stat. 1106, 20 U. S. C. 240 (c), if the funds appropriated for a fiscal year for such purposes are not sufficient to pay in full the total amounts which all local educational agencies whose applications have been considered for payment pursuant to § 105.9 are entitled to receive for such fiscal year, the Commissioner will reduce the amounts which he certifies under section 5 (b), 64 Stat. 1106, 20 U. S. C. 240 (b), for such fiscal year for payment to each such agency by the percentage by which the funds so appropriated are less than the total necessary to pay such agencies the full amount which they are entitled to receive under the act and the showings under and pursuant to their respective applications.

(Sec. 7, 64 Stat. 1107; 20 U. S. C. 242. Interpret or apply sec. 5, 64 Stat. 1106; 20 U. S. C. 240)

Dated: August 21, 1952.

[SEAL] EARL J. MCGRATH,
U. S. Commissioner of Education.

Approved: August 22, 1952.

JOHN E. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 52-9461; Filed, Aug. 27, 1952; 8:52 a. m.]

Chapter V—War Claims Commission

Subchapter B—Receipt, Adjudication and Payment of Claims

PART 505—FILING OF CLAIMS AND PROCEDURES THEREFOR

TIME WITHIN WHICH CLAIMS MAY BE FILED; OFFICIAL FORMS

1. Section 505.2 is hereby amended to to read as follows:

§ 505.2 *Time within which claims may be filed.* (a) Claims made under sections 5 (a) through (e) of the act will be received by the Commission during the period from January 3, 1950, to March 31, 1952, inclusive, in accordance with notice given pursuant to the provisions of section 2 (d) of the act, as amended. Claims to be accepted must be postmarked before midnight March 31, 1952, or delivered to the Office of the War Claims Commission at Washington, D. C., to any field office thereof, or to any person or agency authorized by the Commission to receive claims on its behalf, before midnight March 31, 1952.

(b) Claims made under sections 6 (a) through (c) of the act will be received by the Commission during the period from January 3, 1950, to March 31, 1952, inclusive, in accordance with notice given pursuant to the provisions of section 2 (d) of the act, as amended. Claims to be accepted must be postmarked before midnight March 31, 1952, or delivered to the Office of the War Claims Commission at Washington, D. C., to any field office thereof, or to any person or agency authorized by the Commission to receive claims on its behalf, before midnight March 31, 1952.

(c) Claims made under section 6 (d) of the act will be received by the Commission during the period from April 9, 1952, to midnight April 9, 1953, in accordance with the notice given pursuant to the provisions of section 2 (d) of the act, as amended, and section 3 of Pub. Law 303, 82d Cong., approved April 9, 1952. Claims to be accepted must be postmarked before midnight April 9, 1953, or delivered to the Office of the War Claims Commission at Washington, D. C., to any field office thereof, or to any person or agency authorized by the Commission to receive claims on its behalf, before midnight April 9, 1953.

(d) Claims made under section 7 (a) of the act will be received by the Commission during the period from January 3, 1950, to March 31, 1952, inclusive, in accordance with notice given pursuant to the provisions of section 2 (d) of the act, as amended. Claims to be accepted must be postmarked before midnight March 31, 1952, or delivered to the Office of the War Claims Commission at Washington, D. C., to any field office thereof, or to any person or agency authorized by the Commission to receive claims on its behalf, before midnight March 31, 1952.

(e) Claims made under section 7 (b) and (c) of the act will be received by the Commission during the period from April 9, 1952 to October 1, 1952, inclusive, in accordance with notice given pursuant to the provisions of section 2 (d) of the act, as amended, and section 2 (f) of Pub. Law 303, 82d Cong., approved April 9, 1952. Claims to be accepted must be postmarked before midnight October 1, 1952, or delivered to the Office of the War Claims Commission at Washington, D. C., to any field office thereof, or to any person or agency authorized by the Commission to receive claims on its behalf, before midnight October 1, 1952.

2. Section 505.3 is hereby amended to read as follows:

§ 505.3 *Official forms.* Official forms are provided for use in the preparation of claims for submission to the Commission for adjudication and such forms are available as prescribed in section 7 of the description of organization (14 F. R. 7819). An official form is provided for each type of claim that may be made under the provisions of sections 5 (a) through (e), 6 (a) through (c), 6 (d), as added by Pub. Law 303, 82d Cong., 7 (a), or 7 (b), or (c) of the act, as amended, and each such official form is accompanied by printed instructions which explain its proper use, preparation, and execution. The official forms provided for use with respect to each type of claim adjudicable under said sections 5 (a) through (e), 6 (a) through (c), 6 (d) as added by Pub. Law 303, 82d Cong., 7 (a), or 7 (b) or (c) of the act, are designated and identified as follows:

(a) For compensation by living prisoners of war, WCC Form 601—Application for Living Ex-Prisoner of War Benefits.

(b) For compensation by living Philippine prisoners of war, or their survivors, WCC Form 602—Application for Ex-Prisoner of War Allowance.

(c) For compensation by living prisoners of war, arising out of inhumane treatment or forced labor, WCC Form 611—Application for Living Ex-Prisoner of War Compensation for Compulsory Labor and/or Inhumane Treatment.

(d) For compensation by survivors of deceased prisoners of war, WCC Form 650—Application for Prisoner of War Benefits by Survivors of Deceased Prisoners of War.

(e) For compensation by survivors of deceased prisoners of war, for inhumane treatment and forced labor, WCC Form 660—Application for Survivors of Deceased Ex-Prisoners of War for Compensation for Compulsory Labor and/or Inhumane Treatment.

(f) For detention benefits by living civilian American citizens, WCC Form 501—Application for Living Civilian Detention Benefits.

(g) For detention benefits by survivors of deceased civilian American citizens, WCC Form 550—Application for Detention Benefits by Survivors of Deceased Civilian Prisoners, Internees, Etc.

(h) For reimbursement by a religious organization or the personnel of a religious organization, WCC Form 701—Application for Reimbursement by Religious Organizations or Religious Personnel.

(i) For compensation to any religious organizations or personnel of a religious organization for loss or damage sustained to facilities as a consequence of the war, WCC Form 711—Application by Religious Organization for Compensation for Loss and Damage to Property as a Consequence of World War II.

(Sec. 2, 62 Stat. 1240, as amended; 50 U. S. C. App. Sup. 2001)

GEORGIA L. LUSK,
Vice Chairman,
War Claims Commission.

[F. R. Doc. 52-9429; Filed, Aug. 27, 1952; 8:45 a. m.]

PART 506—PROVISIONS OF GENERAL APPLICATION

PERSONS UNDER LEGAL DISABILITY

Section 506.2 (14 F. R. 7844, 16 F. R. 644, 16 F. R. 2239) is hereby amended to read as follows:

§ 506.2 *Persons under legal disability.* (a) Claims may be submitted for adjudication on behalf of persons who, being otherwise eligible to make claims under the provisions of sections 5 (a) through (e), and 6 of the act, are incompetent or otherwise under any legal disability, by the natural or legal guardian, commit-

tee, conservator, curator, or any other person including the spouse of such claimant, whom the Commission may determine is vested with the care of the claimant or his estate.

(b) In the event the Commission has before it satisfactory evidence that a member of the armed forces of the United States on active duty in Korea or captured by the forces of aggression fighting in Korea or elsewhere or reported missing in action, interned or beleaguered may be eligible to file a claim for compensation under Pub. Law 303, 82d Cong., and is unable to file a claim because of inaccessibility to forms and mailing facilities, the Commission may file an informal claim in behalf of such person.

(Sec. 2, 62 Stat. 1240, as amended; 50 U. S. C. App. Sup. 2001)

GEORGIA L. LUSK,
Vice Chairman,
War Claims Commission.

[F. R. Doc. 52-9430; Filed, Aug. 27, 1952; 8:45 a. m.]

PART 507—ENTITLEMENT TO AWARD

SUBPART A—PRISONERS OF WAR COMPENSATION

MISCELLANEOUS AMENDMENTS

1. Section 507.1 is hereby amended to read as follows:

§ 507.1 *Persons entitled to award of compensation.* Any regularly appointed, enrolled, enlisted, or inducted member of the military or naval forces of the United States who was held as a prisoner of war for any period of time subsequent to December 7, 1941, by a government of any nation with which the United States has been at war subsequent to December 7, 1941, and, with respect to whom the enemy government by which he was held as a prisoner of war (a) violated its obligation to furnish him the quantity and quality of food to which he was entitled as a prisoner of war under the terms of the Geneva Convention of July 27, 1929; or (4) violated its obligation relating to the treatment to be accorded a prisoner of war and the rules governing labor of prisoners of war, who makes claim is a person entitled to an award of compensation as a prisoner of war.

2. Section 507.2 is hereby amended to read as follows:

§ 507.2 *Rate of and basis for award of compensation.* (a) Compensation allowed a prisoner of war under sections 6 (a) through (c) of the act will be paid at the rate of $1 per each day that he was held as a prisoner of war on which the enemy government failed to furnish him such quantity or quality of food required to be furnished prisoners of war under the terms of the Geneva Convention of July 27, 1929.

(b) Compensation allowed a prisoner of war under the terms of section 6 (d) of the act, as added by Pub. Law 303, 82d Cong., will be paid at the rate of not to exceed $1.50 for each day that he was held as a prisoner of war on which the enemy government subjected him to inhumane treatment and/or compelled him to engage in labor contrary to the provisions of the Geneva Convention of July 27, 1929.

3. Section 507.8 is hereby amended to read as follows:

§ 507.8 *Obligation of the Geneva Convention.* For the purposes of this part, the obligation of the Geneva Convention is the responsibility assumed by the contracting parties thereto, with respect to prisoners of war within the meaning of the Convention, to comply with and to fully observe the provisions of the Convention, and particularly those articles relating to food ration of prisoners of war, humane treatment, protection, and labor of prisoners of war.

4. Section 507.10 is hereby amended to read as follows:

§ 507.10 *Base camp.* "Base camp" means a permanent military establishment used by the detaining power to provide quarters for components of its own regularly established military or naval forces, and for the purposes of this part, shall be deemed to include only camps at which a standard ration or standard quarters were prescribed by the detaining power for issue or allotment to its own regularly established military or naval forces.

5. Section 507.11 is hereby amended to read as follows:

§ 507.11 *Violation of the obligation of the Geneva Convention.* For the purposes of this part, the obligation of the Geneva Convention shall be deemed to have been violated by the enemy government each day:

(a) That it did not furnish prisoners of war within the meaning of this act and the Geneva Convention with food of like quantity or quality as that prescribed by the detaining power as a standard ration for issue to its own regularly established military or naval forces at its own base camps.

(b) That it compelled prisoners of war to perform labor and failed to comply with the standards prescribed in the labor provisions of the Geneva Convention of July 27, 1929, including those listed below but not excluding any provision which may be appropriately applied.

(1) The labor of able prisoners of war, if utilized, should have been utilized by the detaining power only in accordance with their rank and aptitude, officers and persons of equivalent status excepted.

(2) Non-commissioned officers should have been required to do only supervisory work, unless they expressly requested remunerative work.

(3) Prisoners of war who were victims of accidents in connection with their work were entitled to the provisions applicable to laborers of the same class according to the legislation of the detaining power, and if no such legislation existed, all proper measures to equitably indemnify the victims should have been taken.

(4) The detaining power had full responsibility for the maintenance, care, treatment and payment of wages of prisoners of war working for private persons.

(5) No prisoner of war should have been employed at labor for which he was physically unfit.

(6) The length of a day's work of prisoners of war, including the trip going and returning, should not have been excessive and should not, in any case, have exceeded that customary for civilian workers in the region employed at the same work.

(7) Every prisoner of war should have been allowed a rest period of 24 consecutive hours every week.

(8) Labor furnished by prisoners of war should not have had any direct relation with war operations, especially in manufacturing or transporting arms or munitions of any kind, or in transporting material intended for combat units.

(9) Prisoners of war should not have been employed at unhealthful or dangerous work; the conditions of labor should not have been aggravated by disciplinary measures.

(10) Labor detachments should have worked only under conditions similar to the standards fixed for prisoner of war camps, particularly with respect to sanitary conditions, food, attention in case of accident or sickness, correspondence and the receipt of packages.

(11) Prisoners of war were not entitled to receive wages for work connected with the administration, management and maintenance of prisoners of war camps.

(12) Prisoners of war utilized for other work were entitled to wages in amounts prescribed through agreement between belligerents.

(i) Such agreements should have specified the portion which was to be retained by the camp administration, the amount which was to be paid to the prisoner of war, and the manner in which that amount was to be put at his disposal during the period of his captivity.

(ii) In the absence of such agreement, work done for the detaining power should have been paid for in accordance with the rates in force for soldiers of the national army doing the same work, or if none existed, according to a rate in harmony with the work performed.

(iii) Work performed for the account of other public administrations or for private persons, should have been paid for as regulated by agreement with the military authority.

(13) The proceeds of wages remaining to the credit of a prisoner of war should have been delivered to him at the end of his captivity, and in the event of his death, should have been forwarded through diplomatic channels to his heirs.

(c) That it failed to accord to prisoners of war humane treatment as required by the standards prescribed in the provisions of the Geneva Convention of July 27, 1929, including those listed below but not excluding any provisions relating to humane treatment which may be appropriately applied.

(1) Prisoners of war should at all times have been humanely treated and protected, particularly against acts of violence, insults and public curiosity. Measures of reprisal against them should have been prohibited.

(2) Prisoners of war should have had their person and their honor respected. Women should have been treated with all the regard due to their sex. Prisoners were entitled to retain their full civil status.

(3) Prisoners of war should have been evacuated within the shortest possible period after their capture, to depots located in regions far enough from the zone of combat for them to be out of danger.

(i) Only those prisoners who, because of wounds or sickness, would have been exposed to greater risks by such evacuation than by remaining may have been temporarily kept in a dangerous zone.

(ii) Prisoners of war should not have been needlessly exposed to danger while awaiting their evacuation from a combat zone.

(iii) Evacuation of prisoners on foot should normally have been effected only in stages of 20 kilometers per day, unless the necessity for reaching water and food depots required longer stages.

(4) Prisoners of war should have been lodged in buildings or in barracks affording all possible guarantees of hygiene and healthfulness.

(i) The quarters of prisoners of war should have been fully protected from dampness, sufficiently heated and lighted. All precautions should have been taken against fire hazards.

(ii) If dormitories were used, the total surface minimum cubic amount of air, arrangement, material of bedding, and other conditions, should have met the standards established for troops at base camps of the detaining power.

(5) Clothing, linens and footwear should have been furnished to prisoners of war by the detaining power. Replacement and repair of such effects should have been accomplished regularly. In addition, laborers should have received work clothes wherever required by the nature of the work.

(6) Canteens should have been installed in all camps where prisoners of war could obtain, at the local market price, food products and ordinary objects. Profits made by such canteens for camp administrations should have been used for the benefit of prisoners.

(7) The detaining powers should have taken all sanitary measures necessary to insure the cleanliness and healthfulness of the camps and to prevent epidemics.

(i) Prisoners of war were entitled to have at their disposal, day and night, installations conforming to sanitary rules and constantly maintained in a state of cleanliness.

(ii) Without prejudice to baths and showers, with which the camp should have been as well provided as possible, prisoners should have been furnished sufficient quantity of water for the care of their own bodily cleanliness.

(iii) Provisions should have been made for prisoners of war to take physical exercise and to enjoy the open air.

(8) Officers and persons of equivalent status as prisoners of war should have been treated with due regard to their rank and age.

(9) In order to insure service in officers camps, soldiers of the same army who were prisoners of war and, wherever possible, who spoke the same language, should have been assigned thereto, in sufficient numbers, considering the rank of the officers and persons equivalent in status.

(10) With respect to arrest of a prisoner of war for disciplinary punishment the duration of a single punishment should not have exceeded 30 days.

(i) The maximum of 30 days should not have been exceeded in the case of several acts for which the prisoner was required to undergo discipline at the time when it was ordered for him whether or not such acts were connected.

(ii) When, during, or after the end of the period of arrest, the prisoner had a new disciplinary punishment imposed on him, a space of at least 3 days should have separated each of the periods of arrest, if any one of them was for a period of 10 days or more.

(11) In no case should prisoners of war have been transferred to penitentiary establishments for the purpose of disciplinary punishment.

(12) The quarters in which prisoners of war were subjected to disciplinary punishment should have conformed to sanitary requirements set out in the Convention.

(13) Prisoners subjected to disciplinary punishment should have been afforded the opportunity to keep themselves clean and should have been allowed to exercise or stay in the open air for a period of at least two hours during each day under such punishment.

(14) Prisoners of war subjected to disciplinary punishment should have been allowed to read and write as well as to send and receive letters. Packages and money for prisoners of war subjected to disciplinary punishment may have been withheld until the expiration of such punishment.

(Sec. 2, 62 Stat. 1240, as amended; 50 U. S. C. App. Sup. 2001)

GEORGIA L. LUSK,
Vice Chairman,
War Claims Commission.

[F. R. Doc. 52-9431; Filed, Aug. 27, 1952; 8:45 a. m.]

PART 508—PAYMENT

PAYMENT UNDER THE WAR CLAIMS ACT

Section 508.2 (14 F. R. 7846) is hereby amended to read as follows:

§ 508.2 *Payment under the War Claims Act*—(a) *Living prisoners of war or living civilian American citizens.* Any award made to a living prisoner of war for compensation, or to a living civilian American citizen for detention benefits, will be certified to the Treasurer of the United States for payment to the person entitled thereto, except that as to persons under any legal disability payment will be made as specified in paragraph (c) of this section.

(b) *Survivors of deceased prisoners of war or deceased civilian American citizens.* Awards made to the survivors of deceased prisoners of war, or to the survivors of deceased civilian American citizens, will be certified to the Secretary of the Treasury for payment to the individual members of the class or classes of survivors entitled thereto in the full amount of the share to which each survivor is entitled, except that as to persons under any legal disability payment will be made as specified in paragraph (c) of this section.

(c) *Payments to persons under legal disability.* Any award or any part of an award payable pursuant to sections 5 (a) through (e), or 6 of the act to any person under legal disability may, in the discretion of the Commission, be paid for the use of the claimant to the natural or legal guardian, committee, conservator, or curator, or if there is no such natural or legal guardian, committee, conservator or curator then, in the discretion of the Commission, to any person, including the spouse of such person, or the Chief Officer of the hospital in which the claimant may be a patient, whom the Commission may determine is vested with the care of the claimant or of his estate. In the case of a minor, any part of the amount payable may, in the discretion of the Commission, be paid to such minor.

(d) *Religious organizations.* (1) Any award made to a religious organization under the provisions of section 7 (a) of the act will be certified to the Secretary of the Treasury for payment in the full amount to such organization in its corporate name, or to such officer or officers thereof as are properly and lawfully designated by the organization.

(2) Any award made to a religious organization under the provision of section 7 (b) or (c) of the act will be certified to the Secretary of the Treasury in accordance with subparagraph (1) of this paragraph, or upon request of such religious organization will be authorized to be paid to its properly designated affiliate in the United States: *Provided,* That such affiliate certifies to the War Claims Commission that all money paid on said claim and received by the named affiliate will be used for the purpose of restoring the educational, medical and welfare facilities described in the claim and located in the Philippines.

(Sec. 2, 62 Stat. 1240, as amended; 50 U. S. C. App. Sup. 2001)

GEORGIA L. LUSK,
Vice Chairman,
War Claims Commission.

[F. R. Doc. 52-9428; Filed, Aug. 27, 1952; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

[Gen. Order 22, 3d Rev., Amdt. 1, WSA Function Series]

PART 310—MERCHANT MARINE TRAINING

SUBPART A—REGULATIONS AND MINIMUM STANDARDS FOR STATE MARITIME ACADEMIES

ENTRANCE STANDARDS; UNIFORMS, TEXTBOOKS AND SUBSISTENCE

Paragraph (a) of § 310.6 *Entrance standards,* and paragraph (a) of § 310.8 *Scholarship subsidy, subsistence, and*

charges, contained in General Order 22, Third Revision, WSA Function Series published in the FEDERAL REGISTER issue of October 20, 1949 (14 F. R. 6401) are amended as follows:

1. Effective upon publication in the FEDERAL REGISTER, § 310.6 (a) is deleted in its entirety and the following is inserted in lieu thereof:

§ 310.6 *Entrance standards.* (a) A candidate for admission to a State Maritime Academy must be a male citizen of the United States and must qualify in all respects for appointment as a Midshipman, Merchant Marine Reserve, United States Naval Reserve, and be appointed as such. Such candidate shall also agree in writing to apply for a commission as Ensign, United States Naval Reserve, immediately after graduation and shall be required to accept such commission provided he is qualified: *Provided, however,* A waiver of physical qualifications under this requirement will be made by the Chief of the Office of Maritime Training provided that the physical examination for appointment in the Merchant Marine Reserve, United States Naval Reserve, has been taken before admission and that any defects noted are not such as to disqualify him physically for a license in the Merchant Marine in accordance with the regulations prescribed by the U. S. Coast Guard: *And provided further,* That annual physical examinations by a Navy examiner are made thereafter, when in the opinion of the Navy examiner such defects are remedial to endeavor to qualify the cadet for appointment in the Naval Reserve and that such cadet shall accept appointment in the Naval Reserve as soon as and if he can qualify. He must be of robust constitution, physically sound and of good moral character, not less than seventeen years of age and not yet twenty-three years of age: *Provided,* That within this range each state may fix its upper age limit for cadets appointed by the State: *Provided further,* That in any case if the candidate is a veteran honorably discharged or if he served in the Merchant Marine for not less than one year during World War II, the upper age limit is extended four years so that such candidate shall be not yet twenty-seven years of age.

2. Effective July 1, 1951, the headnote and paragraph (a) of § 310.8 are amended to read as follows:

§ 310.8 *Uniforms, textbooks, and subsistence.* (a) Each Cadet, on and after his appointment in the Merchant Marine Reserve, United States Naval Reserve, and assignment to a State Maritime Academy will be granted a uniform, textbook, and subsistence allowance at the rate as provided in the applicable appropriation act for each fiscal year, payable monthly. The subsistence allowance will be paid either directly to the Cadet concerned, or, upon approval of the supervisor, to the State Maritime Academy upon presentation of a statement which shall be prepared and submitted at the end of each month and shall contain the names of the Cadets for whom subsistence has been furnished during that month, and such other information as may be required by the supervisor. The uniform and textbook allowances will be paid either directly to the Cadet concerned or, with the approval of the supervisor, to the State Maritime Academy upon certification by the Superintendent that such allowances will be credited to the account of each Cadet. No Cadet will be granted a uniform and textbook allowance or subsistence allowance for any time during which he is absent without leave for a condition not in line of duty.

(Sec. 4, 55 Stat. 607; 34 U. S. C. 1123d. Interpret or apply 52 Stat. 965, as amended; 46 U. S. C. 1126)

Dated: August 14, 1952.

[SEAL] E. L. COCHRANE,
Maritime Administrator.

[F. R. Doc. 52-9448; Filed, Aug. 27, 1952; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter III—International Regulatory Agencies (Fishing and Whaling)

Subchapter B—International Whaling Commission

PART 351—WHALING

Basis and purpose. The Whaling Convention Act of 1949 (64 Stat. 421–425; 16 U. S. C., 1946 ed., Supp. IV, 916–916l), the legislation implementing the International Convention for the Regulation of Whaling signed at Washington December 2, 1946, by the United States of America and certain other governments, provides that regulations of the Commission (defined to mean the whaling regulations in the Schedule annexed to and constituting a part of the Convention in their original form or as modified, revised, or amended by the Commission) shall be submitted for publication in the FEDERAL REGISTER by the Secretary of the Interior. The provisions of the Schedule have been edited to conform the numbering, internal references, and similar items to regulations of the Administrative Committee of the Federal Register, but no changes have been made in the substantive provisions. As so edited, the Schedule of the Convention as last amended by the Commission in July 1951, pursuant to Article V of the Convention appears below. The provisions of the Schedule are applicable to nationals and whaling enterprises of the United States.

Sec.

351.1 Inspection.
351.2 Killing of gray or right whales prohibited.
351.3 Killing of calves or suckling whales prohibited.
351.4 Operations of factory ships limited.
351.5 Closed areas for factory ships.
351.6 Limitation on the taking of humpback whales.
351.7 Closed season for baleen whales.
351.8 Catch quota for baleen whales.
351.9 Minimum size limits.
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351.13 Prompt processing required.
351.14 Remuneration of employees.
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351.17 Factory ship operations within territorial waters.
351.18 Definitions.

AUTHORITY: §§ 351.1 to 351.18 are issued under 64 Stat. 421–425; 16 U. S. C., 916–916l.

§ 351.1 *Inspection.* (a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship.

(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

§ 351.2 *Killing of gray or right whales prohibited.* It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

§ 351.3 *Killing of calves or suckling whales prohibited.* It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

§ 351.4 *Operations of factory ships limited.* It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating baleen whales in any of the following areas:

(a) In waters north of 66° North Latitude except that from 150° East Longitude eastward as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(b) In the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(c) In the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(d) In the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(e) In the Indian Ocean and its dependent waters north of 40° South Latitude.

§ 351.5 *Closed areas for factory ships.* It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude.

§351.6 *Limitation on the taking of humpback whales.* It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating humpback whales in any waters south of 40° South Latitude: *Provided,* That in the pelagic whaling season for baleen whales, 1952, a maximum of 1,250 humpback whales may be taken in these waters commencing on February 1st.

§ 351.7 *Closed season for baleen whales.* (a) It is forbidden to use a

factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any waters south of 40° South Latitude, except during the period from the second day of January to the seventh day of April following, both days inclusive.

(b) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during which the taking or treating of sperm whales by factory ships may be permitted: *Provided*, That a separate open season may be declared for each factory ship.

(c) Notwithstanding the prohibition of treatment in paragraphs (a) and (b) of this section during a closed season, the treatment of whales which have been taken during the open season may be completed after the end of the open season.

§ 351.8 *Catch quota for baleen whales.* (a) The number of baleen whales taken during the open season caught in any waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed sixteen thousand blue-whale units.

(b) For the purposes of paragraph (a) of this section, blue-whale units shall be calculated on the basis that one blue whale equals:

(1) Two fin whales; or

(2) Two and a half humpback whales; or

(3) Six sei whales.

(c) Notification shall be given in accordance with Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government; and in addition notification of data on the number of humpback whales taken in pursuance of § 351.6, including nil returns on days when no humpback whales are taken, shall be given at the end of each day.

(d) If it should appear that the maximum catch of whales permitted by paragraph (a) of this section may be reached before the seventh day of April, of any year, the Commission, or such other body as the Commission may designate, shall determine on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify each contracting Government of that date not less than two weeks in advance thereof. The taking of baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

(e) On the basis of data on number of humpback whales taken in accordance with the provisions of § 351.6 and reported in accordance with paragraph (c) of this section, the Commission, or such other body as the Commission may designate, shall determine the date on which the maximum catch of humpback whales shall be deemed to have been reached and shall notify each factory ship and each contracting Government three days in advance thereof. The taking of humpback whales in all waters south of 40° South Latitude shall be illegal after midnight of the date so determined.

(f) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

§ 351.9 *Minimum size limits.* (a) It is forbidden to take or kill any blue, sei, or humpback whales below the following lengths:

(1) Blue whales 70 feet (21.3 metres);

(2) Sei whales 40 feet (12.2 metres);

(3) Humpback whales 35 feet (10.7 metres).

Except that blue whales of not less than 65 feet (19.8 metres), and sei whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations: *Provided*, That the meat of such whales is to be used for local consumption as human or animal food.

(b) It is forbidden to take or kill any fin whales below 60 feet (18.3 metres) in length for delivery to factory ships or land stations in the southern hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) for delivery to factory ships and land stations in the northern hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken for delivery to land stations in the southern hemisphere and fin whales of not less than 50 feet (15.2 metres) may be taken for delivery to land stations in the northern hemisphere provided in each case that the meat of such whales is to be used for local consumption as human or animal food.

(c) It is forbidden to take or kill any sperm whales below 38 feet (11.6 metres) in length, except that sperm whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations.

(d) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot: That is to say, any whale between 75' 6'' and 76' 6'' shall be logged as 76', and any whale between 76' 6'' and 77' 6'' shall be logged as 77'. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e. g. 76' 6'' precisely, shall be logged as 77'.

§ 351.10 *Open seasons for land stations.* (a) It is forbidden to use a land station under the jurisdiction of a contracting Government, and whale catchers attached to such land station, for the taking or treating of baleen and sperm whales, except as permitted by the contracting Government in accordance with paragraphs (b), (c), and (d) of this section.

(b) Each contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or treating of baleen (excluding minke) whales shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of a contracting Government, provided that a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same contracting Government.

(c) Each contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or treating of sperm whales shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales as provided for in paragraph (b) of this section: *Provided*, That a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same contracting Government.

(d) Each contracting Government shall declare for all land stations under its jurisdiction and for all whale catchers one open season not to exceed six continuous months in any period of twelve months during which the taking or treating of minke whales shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in paragraph (b) of this section): *Provided*, That a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same contracting Government.

(e) Notwithstanding the provisions of paragraphs (a), (b), (c), and (d) of this section, the treatment of whales which have been taken during an open season may be completed after the end of such open season.

(f) The prohibitions contained in this paragraph shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of § 351.17.

§ 351.11 *Use of factory ship in waters other than south of 40° South Latitude.*

It is forbidden to use a factory ship, which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season.

§ 351.12 *Complete processing required.* (a) All whales (except minke whales) taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whalebone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals.

(b) Complete treatment of the carcasses of "Dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

§ 351.13 *Prompt processing required.* (a) The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.

(b) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

(c) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:

(1) The time when each whale is taken;

(2) Its species; and

(3) Its marking effected pursuant to paragraph (b) of this section.

(d) The information reported by radio pursuant to paragraph (c) of this section shall be entered immediately in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available. (1) Time of hauling up for treatment, (2) length, measured pursuant to § 351.9 (d), (3) sex, (4) if female, whether milk-filled or lactating, (5) length and sex of foetus, if present, and (6) a full explanation of each infraction.

(e) A record similar to that described in paragraph (d) of this section shall be maintained by land stations, and all of the information mentioned in the said paragraph shall be entered therein as soon as available.

§ 351.14 *Remuneration of employees.* Gunners and crews of factory ships, land stations, and whale catchers shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size, and yield of whales taken, and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of milk-filled or lactating whales.

§ 351.15 *Submission of laws and regulations.* Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

§ 351.16 *Submission of statistical data.* (a) Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (1) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (2) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (3) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in subparagraphs (1) and (3) of this paragraph shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales.

(b) In communicating this information there shall be specified:

(1) The name and gross tonnage of each factory ship;

(2) The number and aggregate gross tonnage of the whale catchers;

(3) A list of the land stations which were in operation during the period concerned.

§ 351.17 *Factory ship operations within territorial waters.* (a) A factory ship which operates solely within territorial waters in one of the areas specified in paragraph (c) of this section, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

(b) Such factory ship shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in paragraph (c) of this section or south of 40° South Latitude.

(c) The areas referred to in paragraphs (a) and (b) of this section are:

(1) On the coast of Madagascar and its dependencies;

(2) On the west coasts of French Africa;

(3) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany.

§ 351.18 *Definitions.* The following expressions have the meanings respectively assigned to them, that is to say:

"Baleen whale" means any whale which has baleen or whale bone in the mouth, i. e., any whale other than a toothed whale.

"Blue whale" (Balaenoptera or Sibbalus musculus) means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom.

"Dauhval" means any unclaimed dead whale found floating.

"Fin whale" (Balaenoptera physalus) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale.

"Gray whale" (Rhachianectes glaucus) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back, or rip sack.

"Humpback whale" (Megaptera nodosa or novaeangliae) means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale, or hunchbacked whale.

"Minke whale" (Balaenoptera acutorostrata, B. davidsoni, B. huttoni) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale, or sharp headed finner.

"Right whale" (Balaena mysticetus; Eubalaena glacialis, E. australis, etc.; Neobalaena marginata) means any whale known by the name Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale.

"Sei whale" (Balaenoptera borealis) means any whale known by the name of sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale and shall be taken to include Bryde's whale (B. brydei).

"Sperm whale" (Physeter catodon) means any whale known by the name of sperm whale, spermacet whale, cachalot, or pot whale.

"Toothed whale" means any whale which has teeth in the jaws.

Dated: August 21, 1952.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 52-9446; Filed, Aug. 27, 1952; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

PREVAILING MINIMUM WAGE FOR AVIATION TEXTILE PRODUCTS MANUFACTURING INDUSTRY

NOTICE OF POSTPONEMENT OF HEARING DATE

Pursuant to notice published in the FEDERAL REGISTER June 28, 1952 (17 F. R. 5831) a public hearing was held on July 31, 1952, at 10:00 a. m. in Room 5406, Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before a representative of the Administrator of the Wage and Hour and Public Contracts Divisions, for the purpose of determining the prevailing minimum wages in the Aviation Textile Products Manufacturing Industry pursuant to the provisions of the Walsh-Healey Public Contracts Act (Act of June 30, 1936, 49 Stat. 2036, 41 U. S. C. secs. 35–45). On motion of interested parties the hearing was adjourned by the presiding officer on July 31, 1952 until September 16, 1952.

Notice is hereby given: That the hearing is further postponed until further notice in order to provide additional time for preparation of pertinent data.

Signed at Washington, D. C., this 22d day of August 1952.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 52-9462; Filed, Aug. 27, 1952; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 155]

DIRECTOR, BUREAU OF ENGRAVING AND PRINTING

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN CONTRACTS

1. Pursuant to a delegation of authority, August 12, 1952, from the Administrator of General Services to the Secretary of the Treasury under section 302 (a) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377; pursuant to authority of section 307 (a) thereof; but subject to certain limitations of section 307 (b) (such limitations being set out in paragraph 3 hereof) authority is hereby delegated to the Director of the Bureau of Engraving and Printing to negotiate, without advertising, contracts and purchases pursuant to section 302 (c) (2), (4), (9), (10), and (12) of the act in connection with the current program for modernization of the equipment and operations of the Bureau of Engraving and Printing.

2. The authority thus delegated to the Director of the Bureau of Engraving and Printing shall be exercised by him personally or through such responsible subordinates as he may designate, and shall be exercised in accordance with all applicable limitations in the act, including section 307, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration.

3. In accordance with section 307 (b) of the act, (1) authority to make the determinations specified in section 302 (c) (12) (relating to standardization and interchangeability of technical equipment) and, (2) with respect to contracts which will require the expenditure of more than $25,000, authority to make the determinations specified in section 302 (c) (10) (relating to experimental and developmental work and supplies) is not delegated, and remains in the Secretary.

Dated: AUGUST 22, 1952.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52-9473; Filed, Aug. 27, 1952; 8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORESPACE RESTORATION ORDER NO. 487

AUGUST 21, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80 rod shorespace reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands:

A tract of land located on Whiskey Cove, Pennock Island, Alaska, which when surveyed will be identified as Lot 36D, U. S. Survey No. 2992, containing approximately 3.40 acres (homesite application of Harry Koetz, Anchorage, 012872).

A tract of land located on Zimovia Strait, Alaska, identified as Lot 2, U. S. Survey No. 2321 and Lot 2A, U. S. Survey No. 2904, containing approximately 1.37 acres (homesite application of Bruce Johnston, Anchorage, 017327).

A tract of land located on Zimovia Strait, Alaska, identified as Lot 1, U. S. Survey No. 2321 and Lot 1A, U. S. Survey No. 2904, containing approximately 1.47 acres (homesite application of Fred S. Johnston, Anchorage, 017328).

A tract of land located on Zimovia Strait, Alaska, identified as Lots 6 and 7, U. S. Survey No. 2321 and Lots 6A, U. S. Survey No. 2906, containing approximately 2.78 acres (homesite application and petition for shorespace restoration of James Ray Kennedy, Anchorage, 018108).

A tract of land located on Orca Inlet, Alaska, identified as Lot 3, U. S. Survey No. 2762, containing approximately 4.33 acres (homesite application of Harold Roy Conrad, Anchorage, 018205).

A tract of land located on Auke Bay, Alaska, identified as Lot H, Tract B, U. S. Survey No. 2390, containing approximately 3.31 acres (homesite application of Chester A. Strohmeyer, Anchorage, 019088).

A tract of land located on Herring Bay, Alaska, identified as Lot 75, U. S. Survey No. 2404, containing approximately 0.96 acre (homesite application of John P. Bussanich, Anchorage, 019862).

A tract of land located on Clover Passage, Alaska, identified as Lot 16, U. S. Survey No. 2807, containing approximately 4.09 acres (homesite application of Fritz Jensen, Anchorage, 018081).

The above described lands aggregate approximately 21.71 acres.

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 52-9434; Filed, Aug. 27, 1952; 8:46 a. m.]

ALASKA

SHORESPACE RESTORATION ORDER NO. 488

AUGUST 21, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior, August 20, 1951 (16 F. R. 8625), it is ordered as follows:

Subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference-right filing period for veterans, and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279–284), as amended, the 80-rod shorespace reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32

Stat. 1028; 48 U. S. C. 371), is hereby revoked as to the following described lands, effective at 10:00 a. m. on the 21st day after the date of this order.

ANCHORAGE LAND DISTRICT

A tract of land located on Gastineau Channel, Alaska, more particularly described as follows:

"Beginning at the southwest corner on line of mean high tide of Gastineau Channel, whence U. S. L. M. number 5 bears south 00 deg. 43 mins. 30 sec. west 3,560.20 feet and running thence by meanders along the line of mean high tide of Gastineau Channel north 41° 13" west 104.55 feet to the northwest corner; thence north 49° 54" east 83.10 feet to the northeast corner, on the West Right-of-Way line of Glacier highway; thence south 49° 52" east along the West Right-of-Way line of Glacier Highway for 108.60 feet to the southeast corner; thence south 51° 20" west 99.50 feet to the southwest corner, the place of beginning. Containing 9,643.40 square feet, or 0.221 acres in latitude 58°18'25" N., Longitude 134°26'01" W."

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 52-9435; Filed, Aug. 27, 1952; 8:46 a. m.]

ALASKA

SHORESPACE RESTORATION ORDER NO. 489

AUGUST 21, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80 rod shorespace reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands:

FAIRBANKS LAND DISTRICT

Fairbanks Meridian
T. 2 S., R. 2 W.,
Section 5: Lots 1 and 2
Section 6: Lot 1 and SE¼NE¼

Containing approximately 145.97 acres.

No application for these lands may be allowed under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At 10:00 a. m., on September 11, 1952, the lands shall, subject to valid existing rights and the provisions of existing withdrawals become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 11, 1952, to December 10, 1952, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or homesite laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 21, 1952, to September 10, 1952, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 11, 1952, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on December 11, 1952, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from November 21, 1952, to December 10, 1952, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 11, 1952, shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65, and 66 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, as amended, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Land Office at Fairbanks, Alaska.

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 52-9436; Filed, Aug. 27, 1952; 8:47 a. m.]

[E:59268, Grp. 269]

ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY

AUGUST 21, 1952.

Notice is given that the plat of survey accepted June 9, 1952, of T. 5 N., R. 19 W., and plat of survey accepted June 9, 1952, of T. 5 N., R. 20 W., G. & S. R. M., Arizona, including lands hereinafter described, will be officially filed in the Land and Survey Office at Phoenix, Arizona, effective at 10:30 a. m. on the 35th day after the date of this notice.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 5 N., R. 19 W.,
All Secs. 1 to 36 inclusive
T. 5 N., R. 20 W.,
All Secs. 1 to 3, 10 to 16, 21 to 28, and 33 to 36 inclusive, Lots 6, 7, 8, 9 and 10, SE¼NE¼, SE¼, Sec. 4, E½, SE¼NW¼, E½SW¼, Lots 4, 5, 6 and 7, Sec. 9,
Lot 2, Sec. 8, Lots 5, 6, 7 and 8, Sec. 17,
Lots 5, 6 7 and 8, Sec. 20,
Lots 5, 6, 7 and 8, and E½SE¼, Sec. 29,
Lots 5, 6, 7, 8, E½E½, Sec. 32.

The area described, including both public and non-public lands, aggregate 36,979.69 acres.

Mineral Entry, Phoenix 061467, Mineral Survey No. 4019, embracing the Uncle Sam No. 1, Copper Chief No. 1, Copper Chief No. 2, Copper Chief No. 3, and Copper Chief No. 4 lode mining claims, located in Sections 28, 33 and 34, T. 5 N., R. 20 W., is patented.

No application for the remainder of the lands involved may be allowed under the homestead, small tract, desert land, or any other non-mineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

Available data indicates that the land in T. 5 N., R. 19 W. is nearly level and rolling desert land, cut up by numerous, dry washes; and the land in T. 5 N., R. 20 W. is mountainous and rolling desert, cut up by numerous, dry washes.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application

under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Phoenix, Arizona.

ELLEN W. KIRSCH,
Acting Manager.

[F. R. Doc. 52-9433; Filed, Aug. 27, 1952; 8:46 a. m.]

Office of the Secretary

[Order 2701]

ASSISTANT DIRECTOR, GEOLOGICAL SURVEY, ET AL.

DELEGATION OF AUTHORITY TO ACT AS DIRECTOR

SECTION 1. *Acting Director.* (a) The Assistant Director of the Geological Survey, if present, shall perform the duties of the Director of the Geological Survey in case of the death, resignation, or absence of the Director: *Provided, however,* That temporary succession under this paragraph shall not continue longer than 30 days in case of the death or resignation of the Director.

(b) The Staff Geologist of the Geological Survey, if present, shall perform the duties of the Director of the Geological Survey in case of the absence of the Director and the death, resignation, or absence of the Assistant Director.

(c) The Chief Geologist of the Geological Survey shall perform the duties of the Director of the Geological Survey in case of the absence of the Director and the death, resignation, or absence of the Assistant Director and the Staff Geologist.

(d) An officer acting under authority of this section shall sign documents under the title "Acting Director."

SEC. 2. *Acting Assistant Director.* (a) The Staff Geologist of the Geological Survey, if present, shall perform the duties of the Assistant Director of the Geological Survey in case of the death, resignation, or absence of the Assistant Director.

(b) The Chief Geologist of the Geological Survey, if present, shall perform the duties of the Assistant Director of the Geological Survey in case of the death, resignation, or absence of the Assistant Director and the Staff Geologist.

(c) The Chief Topographic Engineer of the Geological Survey, if present, shall perform the duties of the Assistant Director of the Geological Survey in case of the death, resignation, or absence of the Assistant Director, the Staff Geologist, and the Chief Geologist.

(d) The Chief Hydraulic Engineer of the Geological Survey, if present, shall perform the duties of the Assistant Director of the Geological Survey in case of the death, resignation, or absence of the Assistant Director, the Staff Geologist, the Chief Geologist, and the Chief Topographic Engineer.

(e) The Chief, Conservation Division, of the Geological Survey shall perform the duties of the Assistant Director of the Geological Survey in case of the death, resignation, or absence of the Assistant Director, the Staff Geologist, the Chief Geologist, the Chief Topographic Engineer, and the Chief Hydraulic Engineer.

(f) An officer acting under authority of this section shall sign documents under the title "Acting Assistant Director."

(5 U. S. C. 1946 ed., secs. 5, 7, 22; 43 U. S. C. 1946 ed., sec. 32)

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 21, 1952.

[F. R. Doc. 52-9447; Filed, Aug. 27, 1952; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

CHAIRMEN AND ACTING CHAIRMEN OF PMA COUNTY COMMITTEES

DELEGATION OF AUTHORITY TO ACT AS CONTRACTING OFFICERS WITH RESPECT TO PURCHASE OF HAY UNDER THE DROUGHT EMERGENCY PROGRAM–1952

Pursuant to authority vested in the President, Commodity Credit Corporation, by the by-laws of the Corporation, the respective chairmen, or in their absence the acting chairmen, of the PMA county committees of counties instructed to purchase or sell hay under the Drought Emergency Program–1952, are hereby appointed contracting officers of the Commodity Credit Corporation, with authority to execute, in the name of the Corporation, contracts, agreements, or other documents, relative to the purchase, transportation, handling and sale of hay to an eligible person under the Drought Emergency Program–1952 formulated by Commodity Credit Corporation and Production and Marketing Administration.

The foregoing authority as contracting officers shall be exercised in accordance with the instruction "Drought Emergency Program–1952" issued by Harold K. Hill, Deputy Administrator, Production and Marketing Administration, August 11, 1952 and in accordance with any amendments, or supplements thereto, which shall be available for public inspection in the files of the PMA county offices in the counties instructed to sell or purchase hay under the program.

Issued this 22d day of August 1952.

[SEAL] G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 52-9481; Filed, Aug. 27, 1952; 8:57 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–1116, G–1152, G–1240, G–1317, G–1344, G–1379, G–1415, G–1417, G–1457, G–1509, G–1616, G–1625, G–1659]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER POSTPONING HEARING

AUGUST 21, 1952.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G–1116, G–1240, G–1317, G–1344 and G–1417; City of Port Huron, City of Marysville, City of St. Clair, Michigan, municipal corporations, Docket No. G–1152; Southeastern Michigan Gas Company, Docket No. G–1415; Michigan Consolidated Gas Company, complainant, v. Panhandle Eastern Pipe Line Company, Docket No. G–1379; Northern Indiana Fuel and

Light Company, Docket No. G-1457; Missouri Central Natural Gas Company, Docket No. G-1509; The Central West Utility Company, Docket No. G-1616; Michigan Gas Utilities Company, Docket No. G-1625; City of Auburn, Illinois, Docket No. G-1659.

On July 23, 1952, the Presiding Examiner recessed the hearing of the above-docketed matters until September 9, 1952.

The Commission finds: Good cause exists and it would be in the public interest to postpone the resumption of the hearing of the proceedings to the date and place hereinafter ordered.

The Commission orders: The public hearing in these proceedings now scheduled to be resumed September 9, 1952, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., be and the same is hereby postponed to commence on September 24, 1952, at 10:00 a. m., at the same place.

Date of issuance: August 22, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52-9441; Filed, Aug. 27, 1952; 8:49 a. m.]

[Docket No. G-1697]

NATURAL GAS PIPELINE CO. OF AMERICA

ORDER RECONVENING HEARING

AUGUST 21, 1952.

On January 30, 1952, the hearing in the above-entitled proceeding was recessed by the Presiding Examiner subject to further order of the Commission.

The Commission orders: The hearing in the above-entitled proceeding be reconvened on October 7, 1952, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: August 22, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52-9438; Filed, Aug. 27, 1952; 8:48 a. m.]

[Docket No. G-1906]

ATLANTIC SEABOARD CORP. AND VIRGINIA GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

AUGUST 21, 1952.

On March 3, 1952, Atlantic Seaboard Corporation (Atlantic Seaboard), a Delaware corporation, and Virginia Gas Transmission Corporation (Virginia Gas), a Virginia corporation, sometimes referred to herein as "Applicants", both of which have their principal place of business at Charleston, West Virginia, filed a joint application, which was supplemented on May 28, 1952, pursuant to section 7 of the Natural Gas Act, seeking authorizations for Atlantic Seaboard to acquire and operate all the facilities of Virginia Gas, and for Virginia Gas to discontinue all natural-gas transmission services and to abandon its facilities, subject to the jurisdiction of the Commission, all as more fully described in said joint application, as supplemented, on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicants having requested that their application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on March 19, 1952 (17 F. R. 2373-2374).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing be held on September 10, 1952, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application, as supplemented: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 22, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52-9439; Filed, Aug. 27, 1952; 8:48 a. m.]

[Docket No. G-1930]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF CONTINUANCE OF HEARING

AUGUST 22, 1952.

Upon consideration of the request, filed August 19, 1952, by Counsel for Tennessee Gas Transmission Company for postponement of the hearing now scheduled to commence September 2, 1952, in the above-designated matter;

Notice is hereby given that the hearing in the above-designated matter be and it is hereby continued to September 3, 1952, at 9:30 a. m., in the Commission Hearing Room, at 1800 Pennsylvania Avenue NW., Washington, D. C.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52-9437; Filed, Aug. 27, 1952; 8:47 a. m.]

[Docket No. G-1992]

MISSISSIPPI VALLEY GAS CO. AND MISSISSIPPI GAS CO.

ORDER FIXING DATE OF HEARING

AUGUST 21, 1952.

On July 2, 1952, Mississippi Valley Gas Company (Mississippi Valley), a Mississippi corporation having its principal place of business at Jackson, Mississippi and Mississippi Gas Company (Mississippi Gas), a Delaware corporation, having its principal place of business at Meridian, Mississippi, sometimes referred to herein, as Applicants, filed a joint application (1) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Mississippi Valley to acquire by purchase by lease and to operate certain transmission pipeline facilities presently owned or leased and operated by Mississippi Gas, and (2) for authorization pursuant to section 7 (b) of the Natural Gas Act for Mississippi Gas to abandon by sale or assignment of lease said transmission pipeline facilities and to abandon the service rendered therefrom. The joint application was supplemented by material filed by Applicants on August 11, 1952. The natural gas transmission facilities involved, which are subject to the jurisdiction of the Commission, are described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicants having requested that their application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 18, 1952 (17 F. R. 6598).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 9, 1952, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C. concerning the matters involved and the issues presented by such application as supplemented: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 22, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52-9440; Filed, Aug. 27, 1952; 8:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

REGIONS V, VIII, AND XII

LIST OF COMMUNITY CEILING PRICE ORDERS

The following Orders under General Overriding Regulation 24, were filed with the Division of the Federal Register on August 25, 1952.

REGION V

Jacksonville Order G3–14, Amendment 3, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 3:09 p. m.

Jacksonville Order G4–14, Amendment 3, establishing dollar-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 3:10 p. m.

REGION VIII

Fargo Order G1–15, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Fargo Area, filed 3:14 p. m.

Fargo Order G2–15, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Fargo Area, filed 3:14 p. m.

Fargo Order G4–15, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Fargo Area, filed 3:15 p. m.

REGION XII

Fresno Order G1–13, covering retail prices for certain dry grocery items sold by retailers in the Fresno Area, filed 3:10 p. m.

Fresno Order G2–13, covering retail prices for certain dry grocery items sold by retailers in the Fresno Area, filed 3:11 p. m.

Fresno Order G4–13, covering retail prices for certain dry grocery items sold by retailers in the Fresno Area, filed 3.12 p. m.

Fresno Order G4A–13, covering retail prices for certain dry grocery items sold by retailers in the Fresno Area, filed 3:13 p. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52–9505; Filed, Aug. 26, 1952; 11:56 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Notification 57]

PLACEMENT OF PROCUREMENT WITH THE SHIPBUILDING INDUSTRY

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its recommendations in the matter of placement of procurement with the shipbuilding industry. These recommendations have been reviewed within the Office of Defense Mobilization to determine their relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to place Government contracts with the shipbuilding industry in accordance with the attached recommendations of the Committee and the provisions of Defense Manpower Policy No. 4.

The Department of Defense and the General Services Administration are requested to submit, within 30 days, copies of the instructions they have issued implementing this notification. They are further requested to submit monthly reports of the actions taken under this notification.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

RECOMMENDATIONS OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE SHIPBUILDING INDUSTRY UNDER DEFENSE MANPOWER POLICY NO. 4

In accordance with Section III, Paragraph 8 of Defense Manpower Policy No. 4, a panel of the Surplus Manpower Committee held public hearings, beginning August 6, 1952, on the shipbuilding industry. After consideration of the report of that panel, the Committee makes the following recommendations in the interest of preserving the skills and maintaining the productive facilities of the shipbuilding industry. They are conceived in terms of the possibilities of the use of government procurement, to whatever extent practicable, for purposes of maintaining the effective functioning of the shipbuilding industry as a whole.

Accordingly, it is recommended:

1. The entire shipbuilding industry should be excluded from the operation of the surplus labor area preference procedures of Defense Manpower Policy No. 4 and should be certified as an industry to be dealt with under Section 8 of that Policy.

2. The Defense Department should vigorously apply procedures, including negotiated contract procedures, designed to secure the maximum possible utilization of surplus shipbuilding labor skills and facilities in all shipbuilding areas of the United States. To this end, the Defense Department should take all practicable steps, consistent with sound nationwide distribution of shipbuilding contracts and with other procurement and military objectives, to place contracts with firms located in areas that have a surplus of shipbuilding labor skills and shipbuilding facilities.

3. Such part of the total Government shipbuilding program as is to be carried on in private yards should be spread as widely as practicable, both as to the number of private yards to be brought into the program and as to the geographical dispersal of Government shipbuilding work throughout the country. To this end:

a. In the placement of shipbuilding contracts, preference should be given, whenever practicable, to firms which can meet their contract obligations without any substantial use of overtime labor and without the construction of new facilities.

b. Whenever practicable, proposals should be invited and contracts awarded on a small-lot basis rather than on a large-lot basis. Small-lot procurements, which permit small yards to bid and spread the work among a larger number of private yards, should be employed to the maximum practicable extent.

c. It is the present policy of the Bureau of Ships of the Navy Department to divide shipbuilding work between the private yards and the Navy yards in a manner that preserves the vigor of both private yards and Navy Yards and holds Navy Yard overtime to the practicable minimum. This policy is sound and should be vigorously maintained and enforced by the Bureau of Ships.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

JOHN R. STEELMAN,
Acting Director,
Office of Defense Mobilization.

[F. R. Doc. 52–9519; Filed, Aug. 27, 1952; 9:20 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3046]

CHEMICAL FUND, INC.

NOTICE OF APPLICATION TO WITHDRAW FROM REGISTRATION AND LISTING AND OF OPPORTUNITY FOR HEARING

AUGUST 22, 1952.

Chemical Fund, Inc., pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, has made application to withdraw its $1 Par Value Capital Stock from registration and listing on the Board of Trade of the City of Chicago.

The application for withdrawal alleges the following:

(1) Applicant is registered as a diversified open-end management investment company under section 8 (a) of the Investment Company Act of 1940.

(2) Continuance of the registration and listing of the above security on the Board of Trade of the City of Chicago is deemed to be inadvisable because of the lack of trading thereon, due to existing restrictive provisions of the Investment Company Act of 1940 and the rules of the National Association of Securities Dealers.

(3) Said provisions and rules make improbable the possibility of any future increase in exchange trading in this security.

(4) Applicant has been advised by the Board of Trade of the City of Chicago by letter dated August 31, 1951, that said exchange has no objections to the withdrawal of the above security from registration and listing on said exchange.

Upon receipt of a request, prior to September 12, 1952, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained

in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9445; Filed, Aug. 27, 1952; 8:49 a. m.]

[File No. 70-2912]

DUQUESNE LIGHT CO.

NOTICE OF FILING REGARDING SALE OF PREFERRED STOCK AND BONDS AT COMPETITIVE BIDDING

AUGUST 22, 1952.

Notice is hereby given that an application has been filed with this Commission by Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia Company, a registered holding company. Applicant has designated sections 6 (a) and 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Duquesne proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, 140,000 shares of __ percent Preferred Stock, $50 par value. The dividend rate and the price per share to be paid the company will be determined by competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than $50 nor more than $51.375 per share.

Shortly thereafter, Duquesne also proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $14,000,000 principal amount of First Mortgage __ percent Bonds, Series due September 1, 1982. The interest rate and the price to the company for the bonds will be determined by competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100 percent nor more than 102.75 percent of the principal amount. The bonds will be issued under the provisions of the company's existing Indenture, dated August 1, 1947, to the Mellon National Bank and Trust Company, as Trustee, as last supplemented on September 24, 1951, and to be further supplemented by a Supplemental Indenture to be dated September 1, 1952.

The applicant requests that the ten-day period required by Rule U-50 to elapse between the time of inviting bids and the entering into of an agreement with respect to both the issuance and sale of the preferred stock and the bonds be shortened to six days. The proceeds of the sale of the preferred stock and the bonds will be used to retire $15,810,000 of short-term bank loans, which were incurred for construction purposes, and the balance will be used to finance additional construction expenditures.

The filing states that the issue and sale of the preferred stock and the bonds are subject to the authorization of the Public Utility Commission of Pennsylvania. Applicant requests that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than September 5, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter said application, as filed or as further amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9442; Filed, Aug. 27, 1952; 8:49 a. m.]

[File No. 70-2913]

UTAH POWER & LIGHT CO.

NOTICE OF FILING CONCERNING SALE OF COMMON STOCK AND BONDS

AUGUST 22, 1952.

Notice is hereby given that Utah Power & Light Company ("Utah"), a registered holding company and a utility operating company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 6 (a) and 7 thereof, and Rule U-50 thereunder, as applicable to the proposed transactions which are summarized as follows:

Utah proposes to issue and sell 167,500 additional shares of its no par value common stock by offering such stock on a rights basis to the stockholders of record of Utah at the close of business on September 5, 1952, on the basis of one share of additional stock for each ten shares of common stock held on the record date. The right to subscribe for the stock together with an over-subscription privilege will be evidenced by fully transferable warrants. The price at which the stock will be offered will be designated by Utah by amendment hereto prior to the offering. The rights offering will expire on September 25, 1952. The offering will not be underwritten but Utah proposes to pay any dealer who is a member of the National Association of Securities Dealers, Inc., who renders assistance to those exercising warrants, forty cents per share of additional common stock with respect to which such dealer renders assistance, subject to a maximum fee of $250 with respect to any one person exercising warrants. Utah will not issue any fractional shares but will, through its subscription agent, provide facilities enabling the holders of warrants to purchase such additional rights as are necessary for subscription to one additional share, or to sell such subscription rights as are in excess of those necessary for subscription for one full share of stock, or all subscription rights covered by any warrants, such services to be without charge to the holders of warrants.

Any shares unsubscribed for may be sold by Utah, subject to the filing of an appropriate amendment herein.

After the expiration of the rights offering period, Utah proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $10,000,000 aggregate principal amount of First Mortgage Bonds ____ Percent Series due 1982. Such bonds are to be issued under the Mortgage and Deed of Trust dated as of December 1, 1943, with Guaranty Trust Company of New York and Arthur E. Burke as Trustees, as supplemented by eight supplemental indentures.

Notice is further given that any interested person may, not later than September 3, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 5:30 p. m., e. d. s. t., on September 3, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to the declaration which is on file in the offices of the Commission for a full statement of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9443; Filed, Aug. 27, 1952; 8:49 a. m.]

[File No. 70-2916]

SOUTHERN NATURAL GAS CO.

NOTICE OF PROPOSED ISSUANCE OF REVOLVING CREDIT NOTES

AUGUST 22, 1952.

Notice is hereby given that Southern Natural Gas Company ("Southern"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 and 7 thereof as applicable to the proposed transactions, which are summarized as follows:

Southern proposes to issue and sell promissory notes (herein called the "Revolving Credit Notes") pursuant to a revolving credit agreement to be executed between Southern and The Chase National Bank of the City of New York, and certain other banks. The agreement provides that the Participating Banks will severally make loans to Southern at any time and from time to time from the date of the agreement within a period of two years in an aggregate principal

amount at any one time outstanding not exceeding $25,000,000, and that during said period Southern may borrow, prepay (as provided in the agreement) and re-borrow thereunder. The Revolving Credit Notes will bear interest from their respective dates until September 15, 1953, at the rate of 3 percent per annum, and thereafter until their maturity on September 15, 1954, at the rate of 3¼ percent per annum. Southern agrees to pay a commitment fee computed from the date of the order of the Commission permitting this declaration to become effective, or September 15, 1952, whichever is earlier, at the rate of ¼ percent per annum on the daily average unused amount of the commitments. Southern has the right to prepay all, or from time to time any, of the Revolving Credit Notes, in whole or in part, upon payment of accrued interest and, if prepayment is made directly or indirectly from the proceeds, or in anticipation, of any bank borrowing otherwise then under the agreement, Southern will pay a premium at the rate of ¼ percent per annum. Southern has the right at any time or from time to time to reduce or terminate the commitments.

The proceeds of the Revolving Credit Notes will be applied to the cost of construction of additions to Southern's system proposed to be completed during 1952 and 1953. Southern expects to provide subsequent permanent financing of its 1952 and 1953 construction program by the issue of first mortgage bonds and by the issue of additional common stock or other securities of Southern, or by the sale of the stocks of Southern's subsidiaries, Alabama Gas Corporation and Mississippi Gas Company. Southern would expect to sell additional first mortgage bonds sometime during the first six months of 1953 in the amount permissible at the time under Southern's first mortgage, and would expect to provide for other permanent financing by the sale of additional first mortgage bonds or other securities in such amounts as may be appropriate at the time.

Notice is further given that any interested person may, not later than September 10, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9444; Filed, Aug. 27, 1952; 8:49 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 19]

SCREEN-PRINTED SILK SCARVES

NOTICE OF INVESTIGATION

Upon application made by the Association of Textile Screen Makers, Printers & Processors, Inc., the United States Tariff Commission, on the 25th day of August 1952, under the authority of section 7 of the Trade Agreements Extension Act of 1951, approved June 16, 1951, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether the products described below are, as a result in whole or in part of the duty or other customs treatment reflecting the concession granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Tariff Act of 1930:	*Description of products*
Par. 1210...	Clothing and articles of wearing apparel of every description, manufactured wholly or in part, wholly or in chief value of silk, and not specially provided for: Screen-printed scarves.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D. C., and in the New York office of the Tariff Commission located in Room 437 of the Custom House, where it may be read and copied by persons interested.

I certify that the above investigation was instituted by the Tariff Commission on the 25th day of August 1952.

Issued: August 25, 1952.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 52-9463; Filed, Aug. 27, 1952; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18990]

WILLIAM T. BEYER

In re: Interests in real property, property insurance policies and a claim owned by the personal representatives, heirs, next of kin, legatees and distributees of William T. Beyer, deceased. F-28-31961-B-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of William T. Beyer, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-fourth (¼) interest in real property situated in the City of Ocean City, County of Cape May, State of New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of the persons referred to in subparagraph 1 hereof, in and to all insurance policies covering the premises described in subparagraph 2-a hereof and any and all extensions or renewals thereof, and

c. Those certain debts or other obligations of Charles Frederick Brown, Bishop Avenue, West Berlin, Camden County, New Jersey, arising out of the net income by reason of the collections of rent on the undivided one-fourth (¼) interest in the real property described in subparagraph 2-a hereof, and any all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of William T. Beyer, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain lot or piece of ground situate, lying and being in the City of Ocean City, County of Cape May and State of New Jersey, numbered 567, Section "D", on the plan of lots of the Ocean City Association, more particularly described as follows:

Beginning in the Southeasterly line of Asbury Avenue at the distance of 310' Southwestwardly from the Southwesterly line of Fifteenth Street; Containing Southwestwardly along said line of Asbury Avenue, thirty (30) feet in front or breadth; and of that width extending, Southeastwardly, in length or depth between lines parallel with Fifteenth Street, 100 feet to a fifteen feet wide street.

Under and subject, nevertheless to the reservations and restrictions of the Ocean City Association.

[F. R. Doc. 52-9467; Filed, Aug. 27, 1952; 8:53 a. m.]

[Vesting Order 18991]

FRIEDRICH OTTO DONATH

In re: Real property and property insurance policies owned by Friedrich Otto Donath. F-28-31943.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Friedrich Otto Donath, whose last known address is Bad Salzungen, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the City and County of Philadelphia, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by refence made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property, and

b. All right, title and interest of the person named in subparagraph 1 hereof, in and to all insurance policies covering the premises described in the aforesaid Exhibit A, and any and all extensions or renewals thereof,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Friedrich Otto Donath, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain lot or piece of ground in the City and County of Philadelphia, State of Pennsylvania, with the messuage or tenement thereon erected, particularly described as follows:

Situate on the North side of Locust Street at the distance of one hundred and sixty-one feet three inches Westward from the West side of Fifty-third Street in the Forty-sixth Ward of the City of Philadelphia.

Containing in the front or breadth on said Locust Street Nineteen feet five inches and extending of that width in length or depth Northward between lines at right angles to said Locust Street Eighty-seven feet four and three fourths inches to a certain three feet wide alley extending from Locust Street to Chancellor Street and known as Number 5315 Locust Street.

[F. R. Doc. 52-9468; Filed, Aug. 27, 1952; 8:53 a. m.]

[Vesting Order 18992]

ELISABETH BOEDECKER ET AL.

In re: Debts owing to Elisabeth Boedecker and others.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the individuals whose names and last known addresses are set forth as owners in Exhibit A, attached hereto and by reference made a part hereof, on or since December 11, 1941, and prior to January 1, 1947, were, residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the enterprises, whose names are set forth as owners in the aforesaid Exhibit A, are corporations, partnerships, associations or other business organizations which on or since December 11, 1941, and prior to January 1, 1947, were, organized under the laws of and had their principal places of business in Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

3. That the personal representatives, heirs, next of kin, legatees and distributees of Freda Kauffmanns, deceased, of Mathild Kousnetzoff, deceased, of Carmelita Meyerhoff, deceased, and of Gesine Penshorn, deceased, who there is reasonable cause to believe on or since December 11, 1941 and prior to January 1, 1947, were, residents of Germany, are and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

4. That Gunther Wagner, Theda Grassau and Meta Montien, whose last known addresses are Hannover, Germany, Oldenburg, Germany and Hameln, Germany, respectively, on or since December 11, 1941, and prior to January 1, 1947, were, residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

5. That Otto Euling, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, was, a resident of Germany is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

6. That the property described as follows:

a. Those certain debts or other obligations evidenced by the checks and drafts described in Exhibits A and B, attached hereto and by reference made a part hereof, owned by the persons referred to therein as owners, and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under said checks and drafts,

b. That certain debt or other obligation, matured or unmatured, evidenced by a Sola of Exchange numbered 67/1822, drawn on The Agency of the Chartered Bank of India, Australia & China, 65 Broadway, New York, New York, in an amount of $56.60, dated December 18, 1939, owned by Gunther Wagner and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said Sola of Exchange,

c. Those certain debts or other obligations evidenced by ten (10) American Express Company United States Traveller's Cheques, numbered G3,249,370 through G3,249,379, each in the amount

of $10.00, said traveller's cheques owned by Theda Grassau and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said cheques,

d. That certain debt or other obligation evidenced by one (1) American Express Company United States Traveller's Cheque numbered F9,279,378, in the amount of $10.00, said traveller's cheque owned by Meta Montien and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in, to and under said cheque, and

e. Those certain debts or other obligations evidenced by nine (9) The National City Bank of New York Traveller's Checks, numbered A6–324–781 through A6–324–789, each in the amount of $10.00, said traveller's checks owned by Otto Euling and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said checks,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

7. That the national interest of the United States requires that the persons referred to in subparagraphs 1, 2 and 3, and named in subparagraphs 4 and 5 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of owner	Check No.	Amount	Date	Drawee	Drawer	Payee
Elisabeth Boedecker, Noerten-Hardenberg.	19095	$31.19	Jan. 10, 1940	National City Bank	First National Bank, Baltimore	Elisabeth Boedeker.
Adele Grothe, Heeslingen, Pr. Hannover.	355546	54.04	Nov. 10, 1939	Citizens National Trust & Savings Bank of Los Angeles.	Citizens National Trust & Savings Bank of Los Angeles.	Mrs. Adele Grote.
Hinrich Schroeder, Sandbostel, Pr. Hannover.	355542	54.04	do	do	do	Hinrich Schroeder.
Jacob Pape, Sandbostel, Pr. Hannover.	355540	86.82	do	do	do	Jacob Pape.
Katharina Pape, Sandbostel, Pr. Hannover.	355537	86.83	do	do	do	Kathrina Pape.
Emma Hacke, Braunschweig	112376	5.84	Mar. 24, 1941		Anaconda Copper Mining Co	Fritz Hacke.
	01528	6.30	Dec. 21, 1939		do	Do.
	108938	3.15	Mar. 25, 1940		do	Do.
	111921	8.77	Dec. 23, 1940		do	Do.
Alfred Eggeling, Lehre bei Braunschweig.	662724	18.90	Mar. 1, 1940	American National Bank & Trust Co.	American National Bank & Trust Co.	Clara Eggeling.
	$14810	17.53	Mar. 1, 1941	do	do	Do.
	207	4.17	Aug. 15, 1940	First Camden National Bank & Trust Co.	First Camden National Bank & Trust Co.	Do.
	206	2.09	do	do	do	Alfred Eggeling.
	844	1.12	Mar. 1, 1940	The Continental Bank & Trust Co.	The Continental Bank & Trust Co.	Do.
	26661	4.56	Jan. 15, 1940	The Chase National Bank	Prudence Realization Corp	Do.
	13896	9.07	do	do	do	Do.
	26662	9.12	do	do	do	Clara Eggeling.
Walter Meyer	635-738	14.17	Apr. 15, 1940	National Shawmut Bank of Boston	American Telephone & Telegraph Co.	Walter Meyer.
	639-669	14.17	Jan. 15, 1940	do	do	Do.
	632-634	13.15	Jan. 15, 1941	The First National Bank, New York.	do	Do.
Adelheid Bosch, Minstedt, Hannover.	355539	86.82	Nov. 10, 1939	Citizens National Trust & Savings Bank of Los Angeles.	Citizens National Trust & Savngs Bank of Los Angeles.	Mrs. Adelheid Bosch.
Peter Schroeder, Handstedt Hannover.	355544	54.04	do	do	do	Peter Schroeder.
Margaret Nolte, Lueneburg	27165	30.44	Mar. 11, 1940	Hudson Trust Co., New Jersey	Hudson Trust Co., New Jersey	Margaret B. Nolte.
	8648	25.02	Feb. 10, 1940	do	do	Do.
	27014	37.72	do	do	do	Do.
	8702	25.02	Mar. 11, 1940	do	do	Do.
	8580	22.93	Jan. 10, 1940	do	do	Do.
	26828	18.09	do	do	do	Do.
	26623	25.17	Dec. 11, 1939	do	do	Do.
	8520	8.34	do	do	do	Do.
	26450	37.01	Nov. 10, 1939	do	do	Do.
	8449	41.69	do	do	do	Do.
Maria Jagels, Tarmstedt, Pr. Hannover.	355547	54.04	do	Citizens National Trust & Savings Bank of Los Angeles.	Citizens National Trust & Savings Bank of Los Angeles.	Mrs. Maria Jagels.
Anna Bosch, Malstedt, Pr. Hannover.	355536	86.83	do	do	do	Mrs. Anna Bosch.
Lene Stehr, Stade, Pr. Hannover.	355545	54.04	do	do	do	Mrs. Lane Stehr.
Anna Heins, Selsingen, Hannover.	355543	54.04	do	do	do	Mrs. Anna Heins.
Kali Chemie A. G., Schude, Prov. Hannover.	808	26.32	Nov. 17, 1939	First National Bank, Chicago	Glogau & Co., Chicago	Kali-Chemie A. G.
Margarete Epping, Hannover	D 3985	200.00	Jan. 2, 1940		Bankers Trust Co	Miss Margarete Epping.
Hermann Janssen, Ramsloh (Oldb.).	6	806.00	July 30, 1941	Clark County State Bank	Herman Janssen	German Reichsbank.
Adolf Bingel, Braunschweig	158	75.15	Dec. 31, 1940	The New York Trust Co	The Provident Loan Society, New York.	Adolf Bingel.
Franke & Heidecke, Braunschweig.	96801	49.25	Aug. 23, 1939	The Chase National Bank	The Chase National Bank	Franke & Heidecke.
Alte Leipziger Versicherungsges. auf Gegenseitigkeit, Leipzig.	36810	20.72	Feb. 1, 1941		Office of Treasurer, City of Detroit	Alte Leipziger Lebensversicherungsgesellschaft auf Gegenseitigkeit.
	24685	20.72	do		do	Do.
	(dup.) 21348	13.81	Aug. 1, 1939		do	Alte Leipziger Lebensversicherungsgesellschaft A. G.
Adolfine Schlichting, Otterndorf.	2206	3.75	Mar. 1, 1940	Federal Trust Co	Van Buren Building & Loan Association.	Paulina Wedemeyer.
	2830	3.75	Mar. 5, 1941	do	do	Do.
	4563	25.00	Mar. 12, 1940	do	Southern Newark Building & Loan Association.	Do.

EXHIBIT A—Continued

Name and address of owner	Check No.	Amount	Date	Drawee	Drawer	Payee
Tina Mollenhauer, Ebersdorf, Pr. Hannover.	355541	$54.04	Nov. 10, 1939	Citizens National Trust & Savings Bank of Los Angeles.	Citizens National Trust & Savings Bank of Los Angeles.	Mrs. Tine Mollenhauer.
Voigt & Hochgesang, Gottingen.	730	24.55	Dec. 13, 1939	Central Hanover Bank & Trust Co..	First National Bank, Springfield, Vt.	Voight & Hochgesang.
Stadtberwaltung, Hannover	27572	5.00	Jan. 20, 1941	The National City Bank	The National City Bank	Stadtfriedhof Stocken.
Margarita Steffens, Larenstedt, Pr. Hannover.	355538	86.82	Nov. 10, 1939	Citizens National Trust & Savings Bank of Los Angeles.	Citizens National Trust & Savings Bank of Los Angeles.	Mrs. Margarita Steffens
Martha Gadski, Hameln, Weser.	302	35.00	Jan. 1, 1940	Fidelity Trust Co., Pittsburgh	Estate of Gertrude Wood Lylse, deceased.	Martha Gadski.
Gustav Bergmann, Stadthagen.	21807	91.38	Jan. 13, 1940	The Chase National Bank	American Trust Co., S. F.	Sparkasse der Stadt, Staathagen.
	24088	75.20	Jan. 14, 1941	do	do	Do.
Hannoverscher Anzeiger, Madsack & Co. Hannover.	299	15.00	Dec. 26, 1939	Manufacturers Trust Co	Martin Berger	Hannoverscher Anzeiger.
Wolff-Limper, Steinau, Kr. Schluchtern.	26597	1,533.12	Feb. 16, 1940	The National City Bank of New York.	Continental Illinois National Bank & Trust Co.	Dresdner Bank Filiale Braunschweig.
	25847	1,628.12	Nov. 16, 1939	do	do	Do.
Gunther Wagner, Hannover	87208	37.15	Jan. 10, 1940	do	The National City Bank, San Juan.	Deutsche Bank Filiale.
	396072	24.50	Oct. 24, 1939	do	The National City Bank, Havana.	Deutsche Bank.
Hans Dehnicke, Luneburg, Soltauerstr. 113.	771E-27149	8.77	Dec. 15, 1939	Guaranty Trust Co. of New York	Guaranty Trust Co. of New York	Hans Dehnicke.
	39641	.21	Dec. 20, 1940	First National Bank, Jersey City	Mission Corp., New Jersey	Do.
	39821	.36	Dec. 15, 1939	do	do	Do.
Norddeutsche Tapetenfabrik, Hoelscher & Breimer, Langenhagen (Han.).	339961	131.54	Apr. 4, 1940	Messrs. Laidlaw & Co., N. Y.	The Bank of California National Association.	Reichsbankhauptstelle.
Continental Gummiwerke A. G., Hannover.	26696	41.44	Jan. 19, 1940	Manufacturers Trust Co	Binney & Smith Co., New York	Continental Gummi Werke, A. G.
Margarete Westermann, Carolinensiel.	58	5,000.00	Nov. 30, 1939	Florida National Bank, St. Petersburg, Fla.	Estate of Clara J. Rhodes, deceased.	Margarete Riemann Westermann.
Hertha Hebestreit, Hameln	A 66913	20.00	Feb. 11, 1941	National Bank of Detroit, Michigan.	Equitable Trust Co	Walter Heberstreit.
	A 68572	15.00	Mar. 3, 1941	do	do	Walter F. Hebestreit.
	A 41219	15.00	Feb. 28, 1940	do	do	Walter Heberstreit.
	643-422	11.25	Jan. 15, 1940	The First National Bank, New York.	American Telephone & Telegraph Co.	Walter J. Hebestreit.
	640-643	11.25	Apr. 15, 1940	do	do	Do.
	9-069	8.75	Nov. 1, 1939	Bankers Trust Co., New York	General Motors Corp	Do.
	8-820	8.75	Feb. 1, 1940	do	do	Do.
	8-779	8.75	May 1, 1940	do	do	Do.
	8-654	8.75	Nov. 1, 1940	do	do	Do.
Charlotte Gueist, Altenmedingen, Krs. Uelzen Rose No. 1.	335272	109.59	Aug. 30, 1939	National City Bank, New York	Bank of America N. T. & S. A.	C. Gneist.
	116373	100.00	Aug. 28, 1939		do	Mr. C. Gneist.
Max Eule, Diepholz	65791	$16.36	Nov. 13, 1939		Chase National Bank	Dr. Max Eule.
Johann Riechers Lilienthal-Moorhausen.	137437	5.00	Jan. 12, 1940		National Bank of Detroit	Herrn Gaertner Riechers.
Else v. Fabrice also known as Else Broichsitter v. Fabrice, 34 Bleckeder Landstrasse, Luneberg	318539	18.35			Fidelity Union Trust Co., Newark	Wilhelmina Broichsitter.
Helene Heinemann, Oldenburg	173859	2,000.00	Sept. 18, 1939	Guaranty Trust Co. of New York	First National Bank, St. Louis	Helene Heinemann.
Bernhard Meiners, Oldenburg	173861	2,000.00	do	do	do	Bernhard Meiners.
Frank Ahrling, Muehlen, Amt Vechta, Oldenburg.	254	295.16	Dec. 21, 1939	Continental Illinois National Bank & Trust Co., Chicago.	Massachusetts Bonding & Insurance Co.	Anton Ahrling.
Marie Lilienthal, Buetzefleth	629	25.00	Sept. 23, 1946	The Chase National Bank	Bay View State Bank, Milwaukee.	Marie Lilienthal.
Franz von Thun, Freiburg, Elbe.	3649	25.20	Oct. 16, 1939	Bank of California Nat. Assn., S. F.	Fireman's Fund Insurance Co., S. F.	Frank W. Von Thun.
	3771	23.38	Oct. 15, 1940	do	do	Do.
	3695	25.20	Apr. 15, 1940	do	do	Do.
	3645	25.20	Jan. 15, 1940	do	do	Do.
	3804	23.38	Jan. 15, 1941	do	do	Do.
	933428	33.75	Nov. 15, 1939	American Trust Co., S. F.	Pacific Gas & Electric Co., S. F.	Franz W. Von Thun.
	983432	33.75	Feb. 15, 1939	do	do	Do.
	205878	31.31	Aug. 15, 1940	do	do	Do.
	258884	31.31	Nov. 15, 1940	do	do	Do.
	311910	31.31	Feb. 15, 1941	do	do	Do.
Bischofliches General-Vikariat, Osnabruck.	5007	100.00	Apr. 30, 1946	Second National Bank, Cincinnati	Fred Tuke	Hochw. Wm. Berning Bishof.
Gertrude Heye	53124	3.84	Dec. 14, 1940	Wilmington Trust Co., Delaware	The Pennroad Corp	Gertrude Heye.
Lienen b/Elsfeth	190566	2.07	Dec. 26, 1939	do	do	Do.
Rudolf Greiser, Hannover	1280	150.00	Sept. 5, 1931	The Chase National Bank	Magdalena Syndicate	Frau Emmy Greiser.

EXHIBIT B

Owner	Check No.	Amount	Date	Drawee	Drawer	Payee
Personal representatives, heirs, next of kin, legatees, and distributees of Freda Kauffmanns, deceased.	360962	$783.46	Mar. 31, 1941	The Chase National Bank, N. Y.	First National Bank, Galveston	Mrs. Freda Kauffmann.
	361652	500.00	Oct. 17, 1941	do	do	Do.
	359271	400.24	Dec. 30, 1939	do	do	Do.
Personal representatives, heirs, next of kin, legatees, and distributees of Mathild Kousnetzoff, deceased.	22340	65.00	Dec. 5, 1939	Bank of America N. T. & S. A.	Title Insurance & Trust Co., L. A.	Mathild M. Kousnetzoff.
Personal representatives, heirs, next of kin, legatees, and distributees of Gesine Pensborn, deceased.	173860	2,000.00	Sept. 18, 1939	Guaranty Trust Company of New York.	First National Bank, St. Louis	Gesine Pensborn.
Personal representatives, heirs, next of kin, legatees, and distributees of Carmelita Meyerhoff, deceased.	84564	134.10	Feb. 15, 1940	Bank of California National Association.	Alexander & Baldwin, Ltd	Carmelita M. Meyerhoff.

[F. R. Doc. 52-9469; Filed, Aug. 27, 1952; 8:53 a. m.]

[Vesting Order 18993]

LUISE LANGER

In re: Interest in bank account owned by Luise Langer. F-28-31862-E-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Luise Langer, whose last known address is 129 Gorkistrasse, Leipzig N 24, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows:

A one-half interest in that certain debt or other obligation of the San Angelo National Bank, San Angelo, Texas, arising out of an account held in the name of Georg Langer maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the aforesaid one-half interest,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Luise Langer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 22, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52—9470; Filed, Aug. 27, 1952; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27335]

ALUMINA FROM BAUXITE, ARK., TO MICHIGAN CITY, IND.

APPLICATION FOR RELIEF

AUGUST 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3908.

Commodities involved: Alumina, calcined or hydrated, carloads.

From: Bauxite, Ark.

To: Michigan City, Ind.

Grounds for relief: Rail competition and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3908, Supp. 115.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9449; Filed, Aug. 27, 1952; 8:50 a. m.]

[4th Sec. Application 27336]

LOGS FROM BOWLING GREEN AND SCOTTSVILLE, KY., TO ALTAVISTA, VA.

APPLICATION FOR RELIEF

AUGUST 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Louisville and Nashville Railroad Company and the Southern Railway Company.

Commodities involved: Logs, native wood, carloads.

From: Bowling Green and Scottsville, Ky.

To: Altavista, Va.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 890, Supp. 206.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9450; Filed, Aug. 27, 1952; 8:50 a. m.]

[4th Sec. Application 27337]

FURFURAL FROM MEMPHIS, TENN., TO POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

AUGUST 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariffs I. C. C. Nos. 1172 and 1193, pursuant to fourth-section order No. 16101.

Commodities involved: Furfural, in tank-car loads.

From: Memphis, Tenn.

To: Specified points in official territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hear-

ing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9451; Filed, Aug. 27, 1952; 8:50 a. m.]

[4th Sec. Application 27338]

MAGNESIUM METAL OR ALLOY FROM VELASCO, TEX., TO BAY CITY AND MIDLAND, MICH.

APPLICATION FOR RELIEF

AUGUST 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3967.

Commodities involved: Magnesium metal or magnesium metal alloy, shipped as ingots, in the rough, carloads.

From: Velasco, Tex.

To: Bay City and Midland, Mich.

Grounds for relief: Competition with rail carriers and water-motor competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 151.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9452; Filed, Aug. 27, 1952; 8:50 a. m.]

[4th Sec. Application 27339]

COAL FROM LAKE SUPERIOR DOCKS IN WISCONSIN TO MINNESOTA

APPLICATION FOR RELIEF

AUGUST 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to the tariffs listed on attached sheet.

Commodities involved: Coal, anthracite or bituminuous (including bituminous fine coal, also anthracite dust), carloads.

From: Lake Superior docks in Wisconsin.

To: Points in Minnesota.

Grounds for relief: Market competition and port competition.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supp. No.
CMStP&P RR	B-7186	63
CMStP&P RR	B-7287	135
CMStP&P RR	B-7711	3
CStPM&O Ry	4849	76
G. N. Ry	A-7889	77
G. N. Ry	A-7891	70
MStP&SSM RR	7035	62
MStP&SSM RR	7294	8
N. P. Ry	9340	67

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9453; Filed, Aug. 27, 1952; 8:50 a. m.]

[4th Sec. Application 27340]

PREFABRICATED HOUSES FROM TULSA, OKLA. TO WYOMING

APPLICATION FOR RELIEF

AUGUST 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3886.

Commodities involved: Prefabricated or portable wooden houses, carloads.

From: Tulsa, Okla.

To: Points in Wyoming.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3886, Supp. 67.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9454; Filed, Aug. 27, 1952; 8:51 a. m.]

[4th Sec. Application 27341]

IRON OR STEEL PIPE FROM GALVESTON, HOUSTON, AND ORANGE, TEX. TO HAVANA AND QUINCY, ILL.

APPLICATION FOR RELIEF

AUGUST 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3967.

Commodities involved: Pipe, steel or wrought iron, welded or seamless, carloads.

From: Galveston, Houston, and Orange, Tex.

To: Havana and Quincy, Ill.

Grounds for relief: Rail competition, motor-water competition, and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 149.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the

expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9455; Filed, Aug. 27, 1952; 8:51 a. m.]

[4th Sec. Application 27342]

CRUDE RUBBER FROM PORT NECHES, TEX. TO NATCHEZ, MISS.

APPLICATION FOR RELIEF

AUGUST 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for The Kansas City Southern Railway Company and other carriers.

Commodities involved: Rubber, artificial, synthetic or neoprene, crude, carloads.

From: Port Neches, Tex.

To: Natchez, Miss.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 150.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9456; Filed, Aug. 27, 1952; 8:51 a. m.]

[4th Sec. Application 27343]

SULPHURIC ACID FROM NORCO, LA. TO MOULTRIE, GA.

APPLICATION FOR RELIEF

AUGUST 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1200.

Commodities involved: Sulphuric acid, in tankcar loads.

From: Norco, La.

To: Moultrie, Ga.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1200, Supp. 58.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9457; Filed, Aug. 27, 1952; 8:51 a. m.]